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**A century of child soldiers**  
**A critical review of their impact on land forces**

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## **ABSTRACT**

As of today, it is estimated that there are approximately 300,000 children serving as part of regular armed forces, terrorist or armed groups in a variety of roles across the globe. The term child is here defined as a person under the age of 18 years. In recent years Western forces have had occasion to engage such persons.

It has been forcefully argued that children having regard to their preponderance and utility, particularly when coupled with the development and miniaturisation of modern weaponry are uniquely adapted to the modern battlefield and insurgent roles.

Whilst there is nothing new in the deployment of young people in warfare and combat roles, and which has a very long historical pedigree, it has been suggested that the very fact that a child is utilised to engage regular forces represents the very antithesis of what a soldier represents; particularly when considered from a Western perspective. In other words a 'child soldier' does not fit the cognitive framework of regular troops: their training, legal structures and ethical and cultural values.

This thesis is an attempt to consider the extent to which Western regular forces regard their combat roles when called upon to engage children, and in particular, the extent, if at all, their combat efficiency is influenced as a consequence. The UK, US and Israel are the subject of consideration by means of targeted questionnaires directed to military personnel who have either engaged children or undergone training in this regard. By this approach it is intended to discover whether the fact of child engagement had any or any appreciable influence upon the manner in which such soldiers regarded the military contract upon which they may have been engaged or have been trained to apply.

In addition to considering the approach of the modern soldier, part of the field work involved examination of current training regimes carried out by a two-day visit to the International Land Warfare Centre, Warminster where the themes of this thesis were examined and additionally by a further series of targeted interviews of senior officers responsible for the design of training programmes.

In order to extend the data base and to provide a historical context, the experience of UK service personnel in the Second World War was made the subject of examination with particular reference to individual engagements with members of the Hitler Youth during the latter stages of that conflict. This required examination of the oral archive at the Imperial War Museum, London.

The conclusion that was reached and which was in some ways counter-intuitive, was that notwithstanding the fact that soldiers did regard children as those in need of protection and nurturing, perhaps as a consequence of their education, cultural factors and common humanity, when deployed on the battlefield, however that is defined, a child is considered just as much a threat as any other enemy and is engaged accordingly.

## CHAPTER 1: LITERATURE, HYPOTHESES AND METHOD

### Literature

#### (i). General

This thesis is set within the context of the modern battlefield and in particular, although not exclusively confined to, the conduct of asymmetric warfare. There are a number of core texts concerned with the issue of the deployment of child soldiers that are useful as introductions to the subject including the work of Singer<sup>1</sup>, Rosen<sup>2</sup>, and Brocklehurst<sup>3</sup>. Between them they deal with the particular problems that arise from the incidence of fighting children, whilst the latter two illustrate the problem from the perspective of case studies, including Palestinian children<sup>4</sup>, and children in Northern Ireland<sup>5</sup>. Apart from being general texts, they are useful in identifying the unique nature of engagements with children and make general recommendations as to how forces may be restructured in order to meet such threats.

The question of the overall context as to how the battlefield has changed within the 'Postmodern era' and of which children are part is the subject of a much wider literary field. The work of Bobbitt<sup>6</sup>, Van Creveld<sup>7</sup>, Boot<sup>8</sup> and Benbow<sup>9</sup> are of special interest in explaining the emergence of new forms of warfare and the potential for western nations to be ill equipped to fight given existing governmental structures, cultural backgrounds and the current state of their military thinking. The particular problem raised by the British experience is given prominence in an essay by Dandeker entitled:

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<sup>1</sup> P. Singer, op cit.

<sup>2</sup> D. Rosen, op cit.

<sup>3</sup> H. Brocklehurst, op cit. See also T. Hammes, *The Sling and the Stone, On War in the 21<sup>st</sup> Century*, Zenith Press, Minneapolis, 2006, Ch. 14, 'Characteristics of 4<sup>th</sup> Generation Warfare', pp. 207-224.

<sup>4</sup> D. Rosen, op cit., Chapter 4, Fighting for the Apocalypse, pp. 91-131.

<sup>5</sup> H. Brocklehurst, op cit., Chapter 4, 'Children in Northern Ireland', pp. 83-111.

<sup>6</sup> P. Bobbitt, *Terror and Consent*, op cit.

<sup>7</sup> M. Van Creveld, *The Transformation of War*, Free Press: New York, 1990.

<sup>8</sup> M. Boot, *War Made New, Technology, Warfare and the Course of History 1500-Today*, Gotham Books, New York, 2006.

<sup>9</sup> T. Benbow, *The Magic Bullet? Understanding the Revolution in Military Affairs*, Brassey's, London, 2004.

The United Kingdom: The Overstretched Military’,<sup>10</sup> and more generally by Freedman in an essay entitled: ‘The Revolution in Strategic Affairs’.<sup>11</sup>

(ii). The Deployment of Children in History

The history of children being deployed in battle has a very long pedigree going back to at least 1212 and the ‘Children’s Crusade’ to the Holy Land. Specific examples derived from modern history are numerous. Banks<sup>12</sup> is a useful illustration of the US experience in the Civil War; R. van Emden<sup>13</sup> and G. Coppard<sup>14</sup> in the Great War; whilst Koch,<sup>15</sup> Wilmot,<sup>16</sup> Hastings,<sup>17</sup> Evans<sup>18</sup> and Ambrose<sup>19</sup> provide illustrations in the Second. Each provide case examples of the utility of children as enlisted soldiers, many being deployed with devastating effect notwithstanding their young age. It will be a matter of examination as to whether their military contribution had any real effect at a strategic level as opposed to being relevant at a tactical one.

This problem is examined in a number of specific cases, including children in Nazi Europe<sup>20</sup>; children exposed to violence in Northern Ireland<sup>21</sup>, children in the London Blitz<sup>22</sup>; children recruited as suicide bombers on the UK mainland;<sup>23</sup> and children similarly recruited in the continuing Palestinian conflict. Beyond the strict definition of military endeavour, the resilience of children has been demonstrated in a number of

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<sup>10</sup>C. Dandeker, ‘The United Kingdom: The Overstretched Military’, in *The Postmodern Military, Armed Forces after the Cold War*, eds. C. Moskos et al., Oxford UP., Oxford, 2000, Ch. 3, pp. 32-50.

<sup>11</sup> L. Freedman, *The Revolution in Strategic Affairs*, IISS, Adelphi Paper 318, Oxford UP, p. 7; see also J. Mackinlay, *Globalisation and Insurgency*, IISS, Adelphi Paper 352, and M. Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Stanford University Press, Stanford, 1999.

<sup>12</sup> M. Banks, ‘Avery Brown (1852-1904), Musician: America’s Youngest Civil War Soldier’, *America’s Shrine to Music Newsletter*, February 2001.

<sup>13</sup> R. van Emden, *Boy Soldiers of the Great War*, Headline, London, 2005.

<sup>14</sup> G. Coppard, op cit.

<sup>15</sup> H. Koch, op cit. especially Ch. xi, ‘War’, pp. 228-252; see also R. Evans, op cit., especially Ch. 7, ‘Downfall’, pp. 721-722.

<sup>16</sup> C. Wilmot, op cit., especially Ch. xxix, ‘The Autumn Stalemate’, pp. 562-579.

<sup>17</sup> M. Hastings, *Armageddon, The Battle for Germany 1944-45*, Macmillan, London, especially Ch. 6, ‘Germany Besieged’, pp. 178-201.

<sup>18</sup> D. Evans, op cit.

<sup>19</sup> S. Ambrose, *Citizen Soldiers*, Simon & Schuster, New York, 1997.

<sup>20</sup> D. Dwork, op cit; M. Gilbert, op cit especially Ch. 8, ‘Surviving as Slaves’ p. 197-212; A. Frank, op cit. I. Gutman, *Resistance, The Warsaw Ghetto Uprising*, Mariner Books, Boston, 1994, especially Ch. 9, ‘Between the Expulsion and January 1943, pp. 161-176; M. Gilbert, *The Righteous The Unsung Heroes of the Holocaust*, Black Swan, 2003, London, especially Ch. 1, ‘Rescue in the East’, pp. 25-57.

<sup>21</sup> M. Fraser, *Children in Conflict*, Harmondsworth, Penguin, London, 1974.

<sup>22</sup> L. Smith, op cit., especially pp. 106-120.

<sup>23</sup> S. O’Neill & D. McCrory, *The Suicide Factory, Abu Hamza and the Finsbury Park Mosque*, Harper Perennial, 2006; E. Husain, *The Islamist*, Penguin Books, London, 2007.

sociological studies amongst them the study of the insight of children suffering terminal leukaemia in a large American hospital in the mid-west. The study is useful since it represents an effort to gain insight into two significant problems in social science: childhood socialization and social order, in which it is argued that children's acquisition of information about their world and their place in it is best understood as a socialization process.<sup>24</sup>

Underpinning this research is the premise that current British Military Doctrine makes no mention of child combatants and thus seems to suggest that British forces have no official policies on dealing with child soldiers, nor do they dedicate any specific training to the subject. This principle is well documented within current literature.<sup>25</sup> Given the scale of the problem, and the need of professional armed forces to engage with children, the doctrine may need to be reformed as a consequence.

### (iii). The Legal Question and the Protection of Children<sup>26</sup>

International law, and in particular the International law of Armed Conflict, provides a comprehensive framework for the protection of children, a system that mirrors protections afforded to children in most western societies. Core references are provided by Dinstein<sup>27</sup>, the Manual of the Law of Armed Conflict<sup>28</sup>, and articles, foremost amongst which are Mann<sup>29</sup> and Happold<sup>30</sup>. Specific aspects of operational law and policy are sourced from the Military Annual Training Tests Programme.<sup>31</sup>

The child as a protected person is given particular force by the Preamble to the *1989 Convention on the Rights of the Child* and the *Fourth Geneva Convention*<sup>32</sup> although

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<sup>24</sup> M. Bluebond-Langner, op cit., esp. Ch. 3: 'What Terminally ill Children Know about their World,' p. 135.

<sup>25</sup> A. Mircica et al., op cit.

<sup>26</sup> Definition derived from The UK's First Report to the UN Committee on the Rights of the Child, HMSO, February 1994.

<sup>27</sup> Y. Dinstein, op cit.

<sup>28</sup> UK MOD, op cit.

<sup>29</sup> H. Mann, International Law and the Child Soldier, 36 *ICLQ* 32, 35 (1987).

<sup>30</sup> M. Happold, Child Soldiers in International Law: The Legal Regulation of Children's Participation in Hostilities, 47 *NILR* 27, 47 (2000).

<sup>31</sup> Matt 7(Issue 2), August 2008.

<sup>32</sup> See also 'The Work of the ICRC for the Benefit of Civilian Detainees in German Concentration Camps between 1939 and 1945', *ICRC*, 1975; and I. Cohn, 'The Convention on the Rights of the Child: What it Means for Children in War,' *IJRL* 291 (1991).

particular assistance on the work of the Red Cross is derived from the work of Cohn and Goodwin-Gill.<sup>33</sup>

Reliance is often placed by commentators and the military upon the provisions of international law as a means by which forces may be protected from the incidence of child soldiers. Yet, as Kruper has indicated international humanitarian law does not necessarily keep up with changes in the nature of warfare, and many nations and armed groupings for their own political and military ends, choose not to comply with its terms.<sup>34</sup> Put another way, issues of 'realpolitik' outweigh moral imperatives which the law is designed to protect. One possible conclusion is that the West and UK Land Forces in particular have no alternative other than to confront child soldiers notwithstanding existing legal prohibitions, in the event that it chooses to deploy its forces in theatres where children are used in combat.

International law proceeds from the perspective of a universalist ethic. Given that nation states in the Third World are more likely to utilise the services of children than those in the west, is it reasonable to expect such nations to apply laws protecting young people to their own population, when they do not necessarily accept the principle? It should be borne in mind that it was not until the late seventeenth century that the concept of childhood emerged within Western culture,<sup>35</sup> quite apart from the position in the developing world. What is more pertinent, however, is the extent to which individual soldiers react, and the extent to which they are willing to so engage.

#### (iv). The Western Military Experience (UK, US and Israel)

Numerous texts are available concerning the deployment of UK forces in theatres where child soldiers have been encountered, including Afghanistan<sup>36</sup>, and Iraq<sup>37</sup>. The latter offers powerful descriptions as to why foot soldiers find it difficult to engage with children from a psychological perspective.<sup>38</sup> In short, soldiers are trained to

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<sup>33</sup> I. Cohn & G. Goodwin-Gill, op cit.

<sup>34</sup> J. Kruper, op cit.

<sup>35</sup> D. Archard, *Children, Rights and Childhood* (2<sup>nd</sup> Edition), Routledge, London 2004, p. 34, quoting P. Aries, 'L'Enfant at la vie familiale sous l'ancien regime', 1962.

<sup>36</sup> P. Bishop, *Ground Truth*, Harper Press, London, 2009.

<sup>37</sup> R. Holmes, op cit.

<sup>38</sup> R. Holmes, *ibid.*, p. 317.

fight other soldiers and terrorists: fighting and training to fight children is beyond their collective experience.

The application of doctrines of counterinsurgency are well developed within academic literature, most particularly Marston,<sup>39</sup> Moyar<sup>40</sup> and Crouch<sup>41</sup> at a general level, and with particular regard to case studies in Jones<sup>42</sup> and Jackson<sup>43</sup>. In the context of the US Army detailed treatment is given in the work of Petraeus.<sup>44</sup> Here again the tenor of his thinking is to regard children as those in need of protection, and not to regard them as combatants who can present real challenges to regular forces, however skilled. This approach naturally accords with western perceptions.

Islamist extremism on the UK mainland is a subject of special concern. Government estimates indicate that some 2000 people have been identified as a threat, although it is suspected that there are as many again who are yet to be identified.<sup>45</sup> Current strategies recognise that changing technology means that the prospect of a chemical, biological or radiological attack are very real whilst the means by which such threats can be met and overcome remain undefined. Where the weapon is deployed by a child and orchestrated by a determined enemy, then the means to counter such a scenario becomes all the more unclear and subject to profound disagreement.

In the context of Israeli Defence Forces with particular reference to their activities in the Occupied Territories, the work of the *B'tselem* organisation is of particular value given that they have conducted many interviews of serving soldiers who have served in the Occupied Territories and, according to many of those interviewed have engaged children involved in demonstrations against the occupation, and involving stone

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<sup>39</sup> D. Marston et al., *Counterinsurgency in Modern Warfare*, Osprey Publishing, Oxford, 2008.

<sup>40</sup> M. Moyer, *A Question of Command, Counterinsurgency from the Civil war to Iraq*, Yale UP, 2009.

<sup>41</sup> C. Crouch, *Managing Terrorism and Insurgency, Regeneration, Recruitment and Attrition*, Contemporary Terrorism Studies, Routledge, London 2009.

<sup>42</sup> S. Jones, *Counterinsurgency in Afghanistan*, Rand National Defense Research Institute, Santa Monica, 2008.

<sup>43</sup> R. Jackson, *The Malayan Emergency & Indonesian Confrontation*, Pen & Sword, Barnsley, 2008.

<sup>44</sup> D. Petraeus, *The US Army & Marine Corps Counterinsurgency Field Manual*, Chicago UP., Chicago, 2007.

<sup>45</sup> Speech by E. Manningham Buller, Director General of the Security Service, November 2006 at Queen Mary College, London.



throwing and other forms of protest.<sup>46</sup> Of significance to the study is the fact that the Palestinians' have based two insurgencies upon the use of children, including their deployment as suicide bombers.

#### (v). The Psychological Question

There are numerous basic texts dealing with the issues of psychological breakdown in battle, many of them historical; including Marshall,<sup>47</sup> Mott<sup>48</sup> and Ahrenfeldt<sup>49</sup>, and many casting new light upon an age old problem from differing perspectives such as Daws,<sup>50</sup> Shephard<sup>51</sup>, Babington<sup>52</sup> and Jones<sup>53</sup>.

The precise problem of the extent to which the engagement of children with regular forces has been made the subject of a number of papers including Meijer,<sup>54</sup> Ben Ari,<sup>55</sup> and Boyden and De Berry<sup>56</sup>, the latter of which suggests that the problem presented by child soldiers to regular forces should be seen in the context of the fact that medicine, psychiatry and psychology adhere to a biomedical paradigm. In other words: an artificial construct as to how children are regarded. As a consequence, the accepted wisdom which is shared throughout the West is that the effects of war are negative and the assumption is made that children exposed to stressful events are themselves prone to traumatic reactions and, in the longer term, to developmental

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<sup>46</sup> *Our Harsh Logic*, Israeli Soldiers' Testimonies from the Occupied Territories 2000-2010, Compiled by the Organization 'Breaking the Silence', Metropolitan Books, Henry Holt & Co., New York, 2012.

<sup>47</sup> S. Marshall, *Men against Fire, The Problem of Battle Command in Future War*, Gloucester Mass., 1947.

<sup>48</sup> F. Mott, *War Neurosis and Shell Shock*, London, 1919.

<sup>49</sup> R. Ahrenfeldt, *Psychiatry in the British Army in the Second World War*, Routledge & Kegan Paul, 1958.

<sup>50</sup> G. Daws, *Prisoners of the Japanese*, Robson Books, London, 1995.

<sup>51</sup> B. Shephard, op cit.

<sup>52</sup> A. Babington, *Shell-Shock A History of the Changing Attitudes to War Neurosis*, Pen & Sword, Leo Cooper, London, 1997.

<sup>53</sup> E. Jones et al., *Shell-Shock to PTSD, Military Psychiatry from 1900 to the Gulf War*, Psychology Press, Hove, 2005.

<sup>54</sup> M. Meijer, *Transactional Analysis of Child Warriors as the Opposing Force*, NATO Manuscript, 2007, see especially, 2.5, 'Shock, Shame and Guilt'; A. Speckhard, *Child Warriors as the Opposing Force: Addressing the Psychological Issues for Soldiers and Child Combatants*, Presentation to HFM/ET – 068, Exploratory Team Meeting, Amsterdam, July 2006; J. Hughes, *Psychological Well-being of Professional Armed Forces' Personnel facing Child Soldiers*. Presentation as aforesaid, July 2006.

<sup>55</sup> E. Ben Ari, *Facing Child Soldiers, Moral Issues and 'Real Soldiering': Anthropological Perspectives on Professional Armed Forces*, Unpublished Paper, 2009, p. 4.

<sup>56</sup> A. Boyden & De Berry, *Children in the Front Line: Ethnography, Armed Conflict and Displacement*, Berghaun, Oxford, 2008, xi-xxvii.

impairment. One of the conclusions of Ben Ari<sup>57</sup> is to observe that in its endeavour to tackle the child soldier issue by setting the problem within a wider context of human rights awareness, the West has inadvertently made the task of confrontation with children more difficult, particularly from the perspective of psychological issues when it comes to her own soldiers.

## Hypotheses

The above survey has suggested five hypotheses which will be explored in this thesis. They are as follows: -

(i). That the use of children has been the subject of increase within the third world and within terrorist and other armed groups. Children are plentiful, easily indoctrinated and offer unquestioning obedience to their recruiters, whilst history demonstrates that they are potentially ruthless adversaries. The targeting of children by regular forces has the potential to create damaging political fallout, particularly in a world of mass communication.

(ii). That child soldiers have an increasing utility in postmodern conflict within the context of asymmetric warfare, and in particular, militant Islam. Weaponry is compact and lightweight, cheap and plentiful, whilst conflicts around the world are now characterized not as temporary outbreaks of instability but rather as protracted states of disorder. Singer points out that these trends coupled with the socioeconomic dislocation of children and changes in the modern battlefield are necessary factors in the emergence of the child soldier as a global phenomenon.<sup>58</sup>

(iii). British infantry when confronted with child soldiers are reported to experience greater psychological trauma than when faced with armed adults. In a recent research paper prepared by the Research and Technology Organisation ('RTO'), a branch of NATO the following is reported: -

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<sup>57</sup> E. Ben Ari, op cit.

<sup>58</sup> See P. Singer, 'Children on the Battlefield: the Breakdown of Moral Norms', in *Pirates, Terrorists and Warlords, the History, Influence, and Future of Armed Groups Around the World*, ed. J. Norwitz, Skyhorse Publishing, New York, 2009, p. 359.

‘From observations of soldiers of the industrial democracies who face these young combatants it is concluded that children are not seen as hated enemies and soldiers usually exhibit a great amount of empathy toward children in war-torn societies. Consequently, engagements with child soldiers can be incredibly demoralizing for professional troops and can also affect unit cohesion. For example, British forces operating in West Africa in 2001 were reported to suffer deep problems of clinical depression and PTSD among individual soldiers who faced child soldiers. Literature searches by the MOD in 2006 on consequences uncovered very little data specifically relating to the psychological impact of child soldiers on personnel.’<sup>59</sup>

There may be a number of reasons why this may be so and which arise from a combination of practical, ethical, medical, anthropological, psychological and cultural reasons. These considerations are the subject of comment within the NATO, RTO report in the specific context of recent developments in asymmetric warfare, the use of children and the absence of any peer-reviewed publications.<sup>60</sup>

Most armed forces, including the British, base much of their experience on structures that have subsisted during the latter part of the 20<sup>th</sup> Century, and which involve what Bacevich has termed ‘real soldiering’.<sup>61</sup> When regular forces face a concurrent rise in the incidence of the child soldier and which runs contrary to the ethos of their own cultural perspectives and training, it is hardly surprising so the argument runs, that an adverse psychological reaction results from a requirement to shoot children, notwithstanding that such a requirement results from an operational need. Given the stress that the West places upon Human Rights considerations, how can infantry be taught to place the child soldier question, and more particularly the need to engage and where necessary shoot children, in the context of a relevant training programme consistent with international law and cultural considerations, if at all? Does the child soldier matter to the ordinary soldier and should the threat be separately categorised from any other threat he may face? Are current training regimes adequate, and is the threat such as have been defined overstated, and does it matter to society as a whole?

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<sup>59</sup> NATO, RTO Technical Memorandum, ‘Child Soldiers as the Opposing Force’, Final Report of the HFM-159 Task Group, January 2011, ES-1.

<sup>60</sup> Ibid., sections 2-1- 2-10.

<sup>61</sup> A. Bacevich, *The New American Militarism: How Americans are Seduced by War*, Oxford UP., Oxford, 2005.

(iv). It is suggested that the current training regimes in UK forces are inadequate to prepare service personnel who are likely to engage child soldiers. It may equally be the case that the incidence of the child soldier is a fact of life on the modern battlefield, however it is defined, and no amount of training can alter that fact. Adverse psychological reactions may well be a necessary by-product of modern conflict as they have in past conflicts, and child conflict, as this thesis defines it, is merely another example. How have other nations organised their forces to cope with this manifestation? As an example, Israel has altered its own ROE to deal with this issue, the upshot being that in the intifada more than 20% of those killed have been 17 and under.<sup>62</sup>

(v). International law, domestic law and international convention have little or no utility in dealing with the issue of child soldiers. Why is this so? The use of children in warfare has long been outlawed, yet the numbers employed in combat continue to grow to the extent that child soldiers are present in every conflict zone US forces operate in.<sup>63</sup> It is suggested that the political demands of certain states, groups, and causes outweigh moral imperatives and international conventions. Children are above all effective, even when utilised unknowingly as is the case in Afghanistan where children are regularly employed to plant improvised explosive devices, and in the context of the child suicide bomber.<sup>64</sup> Is the UK obliged to recognise that, in effect, law and convention do not really matter to the issue of the safety of her soldiers and to operational requirements? The imperatives of the battlefield, as in past conflicts, take precedence over the niceties of the law, but what political fallout may result and with what consequence? Within the context of the West, it may be argued that inevitable tensions arise from training and education based upon respect for law, convention and ethical considerations as against a foe that has no respect for such matters, and is willing to use any method, including the use of children, to achieve a defined end in battle.

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<sup>62</sup> *Los Angeles Times*, 31st March 2002, 'Articles tell Palestinians side of Fight'.

<sup>63</sup> P. Singer, *op cit.*, p. 359.

<sup>64</sup> Interview by Anthony Callaway with Lt. Col. G. Davies at the International Training and Land Warfare Centre, Warminster on the 20<sup>th</sup> October 2009.

## Method

### (i). General

This work is a multi-disciplinary exercise and which involves the exploration of a number of themes some of which are the subject of overlap and interlinkage. They include historical and military questions, the latter being concerned with current training regimes; political and legal issues, cultural, anthropological and psychological matters. In other words there is no single source which is capable of being tapped for a definitive answer.

Whilst the main part of the thesis is based upon secondary and published material, the questions concerning psychological fallout from child engagement is dependent upon a series of structured interviews organised around members of the armed forces in the UK, and the US and in accordance with a specifically designed questionnaire. As to the Israeli experience reliance is placed upon published data and interviews with Israeli soldiers who have served in the occupied territories through the *B'Tslem* organisation and interviews conducted thereby. In order to provide historical background specific engagements by members of UK land forces with the Hitler Youth towards the end of the Second World War have also been examined.

As to training regimes the conclusions derived from this research are based upon published material and interviews with academics and officers tasked with advising the military in the UK and the US and most particularly upon information sourced at the International Defence Training and Land Warfare Centre, Warminster.

### (ii). Book Search

a). Historical. Across the broad sweep of history and the vast numbers of books devoted to recording detail and setting down interpretations of the history of warfare, children feature prominently both from the perspective of victim and as agents devoted to fighting. It has proved to be a useful exercise to consult indexes and seek references to 'child', 'children' or 'child soldier', and some useful passages are

sometimes revealed. Of course, this is without prejudice to specific texts which are devoted to the specialism in its various forms in different wars and historical periods.

b). Political. Like so many problems of a strategic nature they can only be understood within their political framework. In other words the nature of the deployment of children very much depends upon the circumstances, broadly construed, of those who seek to use them and the purposes to which they are put. The recruitment of boy soldiers by the UK in the Great War for example is very different from the recruitment of children by either the Taliban or suicide bombers as an adjunct to the Palestinian cause in more recent history. The story of the Hitler Youth in the closing stages of the Second World War is different again from the African experience involving various regimes recruiting children for their own ends such as in Sierra Leone, Ethiopia or Mozambique, and different again from the Iraqi experience and the recruitment of children by the Ba'athist Party under Saddam. The point here is that whilst political background is important, there are no single source references capable of being tapped; it is more a question of considering each individual case and placing the role of children and more particularly their utility to such causes in those contexts.

c). Legal. Necessarily the legal aspects of this subject are narrower than the far broader remit of points (i) and (ii). Relevant references are to be found within the Geneva Conventions, the Additional Protocols, and various instruments prohibiting the deployment of children in conflict throughout the twentieth century,<sup>65</sup> including the European Protocols.

d). Cultural and Anthropological. The manner in which society views children as 'persons to be made the subject of protection' has varied over time and, even today, is not a matter in respect of which there is universal agreement. In order to provide a perspective the issue has been examined in the context of Roman society and the modern world. There are specific texts available which detail the emerging concept of childhood, including the work of Aries and Achard, already mentioned.

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<sup>65</sup> Appendix A.

e). Psychological. The issue of children being exposed to violence in its various forms is a very large subject. This research is confined to that in relation to the exposure of children in war and conflict although not necessarily confined to direct experience and to research texts having this bias and to avoid the temptation of conflating this type of exposure with the subject of children who are subjected to domestic violence. The title of this thesis focuses upon the issue of the 'Child Soldier', a concept which has a wide definition. A standard definition was adopted in 2 major and recent international conferences. The first in Cape Town in 1997<sup>66</sup> which had as its main purpose the problems of social reintegration of child soldiers in Africa, and a further conference in Paris in 2007 co-hosted by UNICEF.<sup>67</sup> The preferred definition which was to emerge was much wider than that confined to those who carry weapons and take part in hostilities, but extends to those who are recruited for any purpose associated with conflict including spies, messengers, cooks and even those recruited for sexual purposes or matters which may be collateral to conflict itself. It is suggested that this is demonstrative of modern thinking so to reflect the modern world and the fact that war and conflict affects every part of society, national and international, and children. In this regard the experience of children who lived throughout the Blitz in London, the experience of Anne Frank or those who have lived throughout their minorities in conflict ravaged societies is of value, notwithstanding the obvious point that they do not come within the definition of a soldier. In a more modern setting, this should also include those who think they are acting as soldiers in the context of Islamic extremism.

### (iii). Internet Search

Much of the web site material is devoted to promoting the human rights of children and adopts a perspective that suggests children are without agency in terms of issues of recruitment: that they are denied the right to education, subjected to the death penalty, are disappeared and are punished by cruel and inhumane methods. The following are of value:

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<sup>66</sup> Cape Town Principles and Best Practices (27<sup>th</sup> April – 30<sup>th</sup> April 1997), [www.unicef.org/emerg/files/Cape\\_Town\\_Principles](http://www.unicef.org/emerg/files/Cape_Town_Principles) (1).pdf.>

<sup>67</sup> The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (February 2007) Prin. 2.1; [www.child-soldiers.org/childsoldiers/Paris\\_Principles\\_March\\_2007.pdf](http://www.child-soldiers.org/childsoldiers/Paris_Principles_March_2007.pdf)>

- a). Amnesty International: [www.amnesty.org/en/children](http://www.amnesty.org/en/children)
- b). Watchlist on Children and Armed Conflict: [www.watchlist.org/](http://www.watchlist.org/)
- c). Oxfam: [www.oxfam.org.uk/](http://www.oxfam.org.uk/)
- d). Save the Children Fund: [www.savethechildren.org.uk/](http://www.savethechildren.org.uk/)
- e). UNICEF: [www.unicef.org.uk/](http://www.unicef.org.uk/)
- f). United Nations Children's Fund: [www.un.org/en/globalissues/children](http://www.un.org/en/globalissues/children)
- g). The International Labour Organisation: [ilo.org/global/about-the-ilo/lang-en/index.htm](http://ilo.org/global/about-the-ilo/lang-en/index.htm).

As to general strategic issues:

- a). Chatham House: [www.chathamhouse.org.uk](http://www.chathamhouse.org.uk)
- b). IISS: [www.iiss.org](http://www.iiss.org)
- c). IISS: [www.survival.oupjournals.org](http://www.survival.oupjournals.org)
- d). NATO: [www.rto.nato.int](http://www.rto.nato.int).

As to specific subjects:

- a). The strategic implications of the Aids Virus: [www.ginie.org/ginie-crises-links/prsomalia.html](http://www.ginie.org/ginie-crises-links/prsomalia.html).
- b). The use by Israel of the intifada as a propaganda tool: [www.ngomonitor.org](http://www.ngomonitor.org)

#### (iv). Military Training

At the beginning of this work the author applied for and was successful in obtaining MOD Security Clearance at level SC.<sup>68</sup> This has enabled access to a variety of MOD sources including a number of high ranking personnel, some 5 in number<sup>69</sup> and a series of interviews at The International Defence Training and Land Warfare Centre, Warminster consisting of 3 interviews,<sup>70</sup> including one American Officer, Lt. Col.

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<sup>68</sup> Defence Vetting Agency Ref. 1578077/1 dated 4<sup>th</sup> December 2008 with expiry date of the 4<sup>th</sup> December 2013 attached at Appendix B.

<sup>69</sup> Rear Admiral Lionel Jarvis (Surgeon General) on the 15<sup>th</sup> April 2008 at the MOD;  
 Brig. David Meyer on the 29<sup>th</sup> October 2008 at the MOD;  
 Brig. Barry Le Grys (Engineer in Chief of the Army) on the 3<sup>rd</sup> September 2008 at the In and Out Club, St. James', London;  
 Lt. Cmdr. John Atwill RN on the 15<sup>th</sup> January 2009 (Telephone Conference);  
 Lt. Col. Richard Walker RM on the 11<sup>th</sup> May 2007 at CTCRM Lympstone.

<sup>70</sup> On the 14<sup>th</sup> and 15<sup>th</sup> March 2010 I attended the Land Warfare Centre and conducted a series of



Klein. As to the Israeli experience two interviews were conducted with academic sources. The first was with the Reader in Middle Eastern Affairs at Chatham House,<sup>71</sup> and the second with a specialist in Child Conflict.<sup>72</sup> In broad terms the objective was to estimate the extent to which the child soldier was the subject of recognition, and if so, whether there were specific training policies to deal with the issue in either the UK, the US or Israel.

#### (v). Child Engagement

##### a). Interviews

It is probably fair to observe that the incidence of child soldier engagement experienced by UK and US soldiers is rare in so far as a soldier may have knowingly been called upon to engage a child face to face. Given this hypothesis it has proved difficult to obtain a suitable population of interviewees against which the issue may be tested, particularly from the perspective of psychological consequence. The problem was compounded since the MOD did not give permission for any interview programme to involve serving personnel and, in the UK case the research was obliged to resort to veterans. This was not the position with the US, in which case there was access to a small sample of serving personnel. The Israeli position was somewhat easier as a consequence of the *B'Tselem* organisation which has published a series of interviews and which are readily accessible.

Given the nature of the problem as defined by the question, this research is necessarily qualitative and by no means a quantitative exercise. It may be suggested that its conclusions may be considered as anecdotal and which are drawn from too narrow a sample of personnel to permit firm conclusions to be drawn. However, of UK and US personnel data has been collected from 7 soldiers and of which 2 soldiers, one UK and one US, have knowingly engaged children at close range in the context of deployment in Iraq. In the Israeli case 5 soldiers have been examined.

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Interviews with: Col. Juliet Bartlett (Col. Op. Law); Lt. Col. L. Klein, US Officer: (SO1 Coordination Operational Law); Lt. Col. G. Davies (SO1 Op. Law).

<sup>71</sup> Dr. Yossi Mecklenberg, on the 15<sup>th</sup> December 2012 at Regent's Park College.

<sup>72</sup> Professor Eyal Ben Ari (The Hebrew University of Jerusalem) on the 3<sup>rd</sup> January 2008.

## b). Questionnaire Design

Attached at Appendix C<sup>73</sup> and Appendix D<sup>74</sup> are draft copies in similar format although adapted for use in the cases of the UK and the US. The questionnaires are designed to meet the following objectives:

- (1). To assess the length of service in respect of each soldier;
- (2). To discover whether, and in what circumstances, a particular soldier may have knowingly engaged a child during the course of combat;
- (3). To assess whether that soldier had a psychological reaction to the fact of engagement;
- (4). To discover whether the soldier interviewed had received any form of specific training concerning the incipient risk that they may encounter children, and, to cross refer any answer received with the issue of military training (ante);
- (5). To assess the attitude of each soldier to the subject of child engagement, both in its own right, and to assess as far as was possible, whether it had an influence on how each soldier viewed his role and the military contract by which he was engaged.

## c). A Comparison from History: The Hitler Youth

In order to amplify the data obtained from the modern era a survey of the experience of Allied Soldiers who had engaged members of the Hitler Youth at the closing stages of the Second World War was obtained. Although the historical context is different, the questions are the same: How do soldiers regard a child enemy and does it make any difference to the manner in which they engage such an enemy?

The sound archives at the Imperial War Museum (IWM) provide a plentiful source of such material and over a period of four days<sup>75</sup> a total of six interviews were selected

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<sup>73</sup> Appendix C.

<sup>74</sup> Appendix D.

which seemed to address the questions posed. In selecting samples regard was had to the following matters:

- (1).The possible incidence of psychological fallout from the encounter on the part of the Allied soldier;
- (2).The way in which the Allied soldier regarded his assailant as ‘unpredictable youths outside his ordinary experience’;
- (3). The extent to which, if at all, ‘the youth’ of the opposition was the means by which fear was created in the Allied soldier, and how it may have affected the manner in which the Allied soldier carried out his military role.

d). Summary

The sum total and breakdown of the interviews conducted is as follows:

- (i). Training and Policy: 10;
- (ii). Child Engagement: 12;
- (iii). Historical Comparison: 6;
- (iv). Total: 28.

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<sup>75</sup> October 2012.

## **CHAPTER 2: THE INFLUENCE OF LAW AND CULTURE ON THE CHILD SOLDIER QUESTION.**

### **Children and International Law**

Whenever the concept of ‘child soldier’ is addressed within the media or within literature it is always from the perspective that children are innocent and vulnerable and from the belief that young fighters are a cultural anomaly. From a western standpoint this is perhaps understandable since children do not fit the interpretative frameworks or cognitive schemes of combat troops.<sup>1</sup> It is an accepted truth that children need to be protected, to be nurtured and cared for throughout their minority, and to regard those who deploy children in combat, and whether in a combatant or supportive role, as criminals engaged in criminal acts<sup>2</sup>.

The perception of children involved in conflict has been shaped towards the end of the twentieth century by the development of a global social consciousness that is supported by the protection of human rights and by the need to separate the belligerent from the civilian that is reflected in the growth of legal instruments, both international and national and in the growth of non-governmental organisations having the essential aim in the protection of children. However, even in the context of the modern world, quite apart from the position that may have pertained in medieval or earlier times<sup>3</sup>, this universalist attitude is not shared by many states and/or societies as the growing numbers of children engaged in conflicts has identified,<sup>4</sup> even in situations where the individual state has made itself a signatory to instruments prohibiting the use of child soldiers.<sup>5</sup>

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<sup>1</sup> E. Ben-Ari, Facing Child Soldiers, Moral Issues and Real Soldiering: Anthropological Perspectives on Professional Armed Forces, Unpublished Paper, 2007.

<sup>2</sup> Additional Protocol 1977 to the Geneva Conventions 1949, Arts. 77(2); 77(3).

<sup>3</sup> See S. McGlynn, *By Sword and Fire, Cruelty and Atrocity in Medieval Warfare*, Weidenfeld & Nicholson, London, 2008, especially ‘Chivalry and the Laws of War’, pp. 71-80.

<sup>4</sup> See Introduction.

<sup>5</sup> By way of example Afghanistan is a signatory to the Convention on the Rts. Of the Child, as well as the First, Second, Third and Fourth Geneva Conventions of 12<sup>th</sup> August 1949, the Int. Covenant on Civil and Political Rts. 1966, and the Int. Covenant on Economic, Social and Cultural Rts. 1966, yet within its jurisdiction children are regularly employed in combatant roles.

Although the rights of the child were recognised by international instrument as long ago as 1924<sup>6</sup>, the modern legal structure commenced with the United Nations Universal Declaration of Human Rights 1948, largely as a reaction to the excesses of the Second World War. This measure has subsequently developed by the introduction of various Protocols, Charters and Conventions that collectively provide a comprehensive code prohibiting the deployment of children in conflict.<sup>7</sup> In broad terms and with few exceptions they have been universally accepted. The origins of the modern law has as its origin, the Allied declaration after the Second World War which culminated in the Charter of the International Military Tribunal in 1945 that declared murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population before or during the war were ‘crimes against humanity’.<sup>8</sup>

Since this time examples of international action in order to protect child soldiers apart from what may be construed as strictly legal measures are voluminous, perhaps the most important being the Convention on the Rights of the Child in 1989. In essence they are focussed around the report of Graca Machel to the UN in August 1996, entitled ‘The Impact of Armed Conflict on Children’ following her appointment by the General Assembly in December 1993 to study the impact of armed conflict on children and followed by a 10 year strategic review in August 2007. The specific recommendations are as follows:

- (i). The launching of a global campaign aimed at eradicating the use of children under the age of 18 in the armed forces. The encouragement of the media to expose any such use and the need for demobilization;
- (ii). United Nations bodies, specialized agencies and international civil society actors should ... encourage the immediate demobilization of child soldiers;
- (iii). All peace accords should include specific measures to demobilize and reintegrate child soldiers into society;

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<sup>6</sup> See League of Nations Declaration of the Rts. of the Child, 1924

<sup>7</sup> See Appendix A

<sup>8</sup> See J. Fox, ‘The Jewish Factor in British War Crimes Policy in 1942’, *The English Historical Review*, January 1977; and A. Neave, *Nuremberg*, Hodder & Stoughton, 1978, p. 326

(iv). States should raise the age of recruitment and participation in the armed forces to 18 years.

Other examples are manifest of special courts being established apart from the Rome Statute and which established the International Criminal Court ('the ICC'),<sup>9</sup> to try those alleged to have been perpetrators of the use of children in conflict and most particularly the Special Court for Sierra Leone in June 2004; and the issue of an arrest warrant for Joseph Kony, the leader of the Lord's Resistance Army in July 2005 and the trial of Thomas Dyilo in January 2009 in the ICC.

From an historical perspective war has, perhaps, always fascinated men above and beyond any political purpose it may have served, and still does serve, as instruments of national policy<sup>10</sup>. During the twentieth century a clear strand of thought emerged casting doubt on the utility of war as such an instrument, and which promoted instead the importance of human rights, the dignity of the individual and the supplanting of war by the principles of reason and consent, the most famous discourse being set forth in *'The Great Illusion'*, by Norman Angell in 1911. Angell put the point thus: -

'Man... is coming to employ physical force less because accumulated evidence is pushing him more and more to the conclusion that he can accomplish more easily that which he strives for by other means.'<sup>11</sup>

Of course, the experience of the Great War three years later and the Second World War which was to follow as a consequence, demonstrated that such sentiments were misplaced and way ahead of their time, but there is little doubt that a civilising attitude, and/or reticence to embark upon armed conflict emerged as a product of the last century. That is not to say that conflicts do not happen or that state-on state warfare does not continue to happen, but, as asserted by the UK's Chief of the General Staff, wars are being fought by a combination of economic, cyber and proxy actions.<sup>12</sup>

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<sup>9</sup> 17<sup>th</sup> July 1998.

<sup>10</sup> M. Van Creveld, *The Culture of War*, Spellmount, Glos., 2008, p. 249

<sup>11</sup> N. Angell, *The Great Illusion*, Heinemann, London, 1911, p.222

<sup>12</sup> D. Richards, 'Future Conflict and its Prevention: People and the Information Age', Address to the IISS, 18<sup>th</sup> January 2010; [www.iiss.org/recent-key-addresses/general-sir-david-richards-address/](http://www.iiss.org/recent-key-addresses/general-sir-david-richards-address/).

It is within this broad coalition that law developed in such a way as to regard children as deserving of special protection. Some authors have pointed to the decline in large scale interstate warfare that has occurred since 1945<sup>13</sup>, possibly as a reaction to the anti-feudal, anti-hierarchical tendencies of the Enlightenment. Even during the nineteenth century a series of movements and writings began to develop which had as their essential aim the abolition of war in its entirety; perhaps the best known being the writings of Bertha von Suttner who wrote the seminal work 'Die Waffen Nieder' ('Lay Down Your Arms').

The influence of the Great War cannot be underestimated. Described by Woodrow Wilson as 'the war to end all wars', there is little doubt that its experience seared not only the conscience of the British nation, but also the world. The bloodshed of the war proved crucial in forming Canadian and Australian national identities sharply distinct from that of Britain.<sup>14</sup> More particularly the advent of the war passed many barriers in the realm of what most people considered morally permissible.<sup>15</sup> In the drive for military advantage, the distinction between soldier and civilian became blurred, the advent of the use of poison gas on an industrial scale, the British attempt to starve the population of Germany into submission by blockade; the attack on neutral shipping, all laid the foundations for the extreme conflicts that were to follow and what Lord Lansdowne described as 'the prostitution of science for the purposes of pure destruction.'

After the Great War the greatest statement against warfare came to be exemplified in the League of Nations. Although now dismissed as a failure from its very inception along with its concurrent aim of universal disarmament as a chimera, it should be remembered that the cause of the League had the support of many millions of people basing their beliefs on the principle that reason could become the guiding force in the affairs of humanity chastened by the experience of war.<sup>16</sup> This was followed by the

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<sup>13</sup> See F. Fukuyama, 'The End of History?', published in *The National Interest*, 16, summer 1989, pp. 3-18; and E. Luard, *The Blunted Sword: The Erosion of Military Power in Modern World Politics*, Tauris, London, 1989.

<sup>14</sup> A. Hochschild, *To End All Wars, How the First World War Divided Britain*, Macmillan, 2011, p. 361.

<sup>15</sup> *ibid.*, p. 373.

<sup>16</sup> D. Hurd, *Choose Your Weapons, The British Foreign Secretary, 200 Years of Argument, Success and Failure*, Weidenfeld & Nicolson, 2010, p. 300.

Kellogg-Briand Pact of 1928 and the Geneva Disarmament Conferences of 1931-32, both of which employed the aim of abolishing war as an instrument of national policy.<sup>17</sup>

Concurrent with the development of formal legal instruments intended to outlaw the use of children is the scale of the contemporary problem of child deployment. In the modern world, post-1945, children are deployed across the world in a variety of locations and roles, from participation in the Chinese Cultural Revolution,<sup>18</sup> to Afghanistan<sup>19</sup>, Sri Lanka<sup>20</sup> and the Balkans. Combat roles they fulfil concern the planting of improvised explosive devices ('IED's), intelligence gathering, suicide bombing, portering, cooking, support roles or the carrying out of revenge attacks for the murder of members of their own families, and fighting. The position of young girls should not be overlooked. Public awareness of the impact of armed conflict tends to focus on the position of boys and young men, as do coincidentally, governmental and non-governmental organisations designed to effect the reintegration of such persons into society.<sup>21</sup> Perhaps this is understandable upon the premise that young girls are perceived to be less warlike from a gender and psychological perspective than their male counterparts. Indeed, a fighting woman, let alone girl, is counter-intuitive from a Western perspective. Available evidence reveals this to be a misconception. There has been a large scale involvement of girls in Sri Lanka, Colombia and Sierra Leone and the Philippines<sup>22</sup>, and in a particular case in the Democratic Republic of the Congo, the recruitment of exclusively female units.

Perhaps as a reaction to the growth in such deployment is the rise in the incidence of non-governmental organisations designed to alleviate and or stem the advance in the child soldier problem. Like the formal legal instruments to which reference has already been made, they are predicated upon the premise that children are vulnerable

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<sup>17</sup> See also E. Carr, *The 20 Years Crisis, 1919-1939, An Introduction to the Study of International Relations*, Macmillan, 1970, Ch. 2, Utopia and Reality, pp. 11-21; Ch. 12, The Judicial Settlement of International Disputes, pp.193-207.

<sup>18</sup> T. White Lynn, *Politics of Chaos: The Organizational Causes of Violence in China's Cultural Revolution*, Princeton: Princeton University Press, 1989, pp. 280-281.

<sup>19</sup> S. Jones, *op cit*, p. 63.

<sup>20</sup> M. Swamy, *Inside an Elusive Mind*, Yapa Publications, Colombo, 2004, p. 27.

<sup>21</sup> A. Honwana, *Child Soldiers in Africa*, University of Pennsylvania Press, 2006, Philadelphia, p. 74.

<sup>22</sup> 'The Lived in Experience of Girl Child Soldiers', research project: Keairns 2002, 2003a, 2003b, 2003c.



and in special need of protection. Whilst this is the case within the context of domestic law, the need to protect children who become embroiled within conflict and violence as a consequence of war is all the more marked. Organisations such as ‘Watchlist on Children and Armed Conflict’<sup>23</sup>, the ‘Coalition to stop the use of child soldiers’, ‘The United Nation’s Children’s Fund’, and ‘Amnesty International’; have as their major objectives, not only the issue of abolition but also the abolition of the death penalty in respect of children who are perceived to be offenders. It is worthy of note that since 2004 only China, Iran, Pakistan and the Sudan are the only countries that have put to death child soldiers following capture.<sup>24</sup>

It is perhaps inevitable that the child soldier problem is viewed in the west from a western perspective, imbued with a respect for law and human rights, at least in broad terms. *The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (Cmd. 8969) (ECHR)* was adopted by the Member States of the Council of Europe in 1950 and ratified by the United Kingdom in 1951. The *Human Rights Act 1998* gives further effect in domestic law to the rights and freedoms guaranteed under *ECHR*. Under the Act it is unlawful for any public authority, including a court or tribunal at any level, to act in a manner which is incompatible with a Convention right (s.6). Constitutional human rights legislation is *sui generis*, calling for principles of interpretation of its own and suitable to its character.<sup>25</sup> Many of its articles have a particular application to the issue of children and how they are regarded both as individuals and in their own right as children. In particular *Article 2 (Right to Life)*; *Article 4 (Prohibition of Slavery and Forced Labour)*; *Article 5 (Right to Liberty and Security)*; *Article 8 (Right to Respect for Private and Family Life)* and *Article 14 (Prohibition of Discrimination)* are relevant to our discussion.

Human rights guarantees of the kind I have mentioned form part of what has been described as ‘...the universalization of culture.’<sup>26</sup> This is in turn the result of a global system of information that depends upon recent developments in communications and

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<sup>23</sup> Launched on 14<sup>th</sup> June 2010 in New York and Kabul, the organisation purports to provide the most up-to-date account of children in Afghanistan.

<sup>24</sup> Amnesty International, Children and Human Rts., <http://www.amnesty.org/en/children>.

<sup>25</sup> *Ministry of Home Affairs v Fisher* [1980] AC 319 at 329 C-E.

<sup>26</sup> P. Bobbitt, *op cit*, p. 87.

transport and which threatens the power of the State to preserve the culture of the nation through law.<sup>27</sup> Put another way, following what has been described as the ‘short twentieth century’,<sup>28</sup> the parliamentary democracies came to triumph over the alternative ideologies of communism and fascism. The building of a vast international trading and financial system went hand in hand with the development of human rights and, more particularly, winning acceptance for their norms across the world.<sup>29</sup> As a consequence the modern world is becoming more interdependent; whilst, at the same time, the western world seeks to deploy its own view of humanitarian law throughout the globe. As we shall see such a view may conflict with nations and groups who neither share that view nor the precepts upon which it is based, and which may suggest that western norms are not as accepted as much as the west would wish to believe.

At a lower level, the protection of children on the battlefield is reflected in a number of specific provisions, most particularly Art. 77(3) of the Additional Protocol and the Optional Protocol on the Involvement of Children in Armed Conflict (2000) 39 ILM 1285. These well known measures are intended to prevent children who have not attained the age of 15 from being either recruited into armed forces or from taking part in direct hostilities. In recruiting children aged 15 and over although under 18, the oldest are to be recruited first.<sup>30</sup> In the event of capture, children are entitled to special protection over and above that afforded to them as prisoners of war.<sup>31</sup>

Any legal system naturally depends upon the acceptance of its norms and principles in order to be effective. If this is the case in the context of any domestic system, it is all the more so in relation to an international one, since enforceability necessarily presents a hurdle in relation to those who do not accept its precepts from the

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<sup>27</sup> See D. Betz & T. Stevens, *Cyberspace and the State: toward a Strategy for Cyber-Power*, IISS, 2011, Ch. 2. *Cyberspace and Sovereignty*, pp.55-74.

<sup>28</sup> See E. Hobsbaum, *Age of Extremes, The Short Twentieth Century 1914-1991*, Penguin Books, 1994

<sup>29</sup> P. Bobbitt, *op cit.*, p. 87.

<sup>30</sup> The Manual of the Law of Armed Conflict, UK Ministry of Defence, Oxford UP, 2005, para. 4.11, p.48.

<sup>31</sup> Note: On signature of the Protocol the UK understands that Art. 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take part in hostilities where:

- a). there is a genuine military need to deploy; and
- b). by reason of the nature and urgency of the situation:
  - (i). it is not practicable to withdraw such persons before deployment; or
  - (ii). to do so would undermine operational effectiveness of any operation.

perspective of their own convenience when viewed from their own standpoint. In such a case this may be dictated entirely by self interest.

### **The Child as a Soldier – Does it matter, and if so, what should be done about it?**

It has been pointed out that although war creates many problems relevant to the nurturing of young people such as the destruction of the family and social support networks, the closure of schools and the destruction of a social and economic infrastructure, war may also create opportunities for young people.<sup>32</sup> For those seeking an escape from difficulties at home, and whether real or perceived, or as an act of rebellion, recruitment into an armed group or an army provides an alternative.

Poverty may be another factor why young people seek a military outlet to their own problems, particularly in societies where the access to education or employment is either restricted or non-existent. The point is made all the greater in nations where their societies are damaged by war and the fact that such persons invariably have only known conflict throughout their minorities. As has been pointed out, ‘...few people go looking for a war to join: for many, war comes to them and becomes part of their normal environment. With it, war brings insecurity. It causes societies to rupture, schools to close, impoverishes families through deaths, injuries and displacement and leaves few avenues for employment.’<sup>33</sup>

From a purely humanitarian perspective the work of charitable organisations attempts to relieve the suffering of children to which warfare and their involvement in conflict gives rise. Yet from the point of view of western forces there is considerable evidence to suggest that the fighting ability and effectiveness of their forces is affected by confrontations which may include the use of children. In recent years the problems to which engagements of this type give rise has been brought into focus by the writings of Romeo Dallaire, and may be refracted through his experience.

Lt. General Dallaire, a Canadian officer of 35 years standing, served as force commander of the UN Assistance Mission for Rwanda from July 1993 to September

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<sup>32</sup> R. Brett & I. Specht, *Young Soldiers, Why they Choose to Fight*, Lynne Rienner, London 2004, p. 13.

<sup>33</sup> *Ibid.*, p. 123.

1994. In 2003 he published a book which has been entered into evidence in war crimes tribunals trying the perpetrators of the Rwandan genocide and entitled *Shake Hands With the Devil: The Failure of Humanity in Rwanda*.<sup>34</sup> In the book he records working with children who lived in the genocide and describes the conditions in which they are forced to survive. In December 2001, as part of his duties as special adviser on war-affected children to the minister responsible, he conducted a field visit to Sierra Leone in order to get first-hand information on the demobilization and reintegration of child soldiers and bush wives – children who had been abducted from their families and had then fought for several years as part of the rebel force the Revolutionary United Front. The reintegration process was due to last 3 months. The point is made that in many cases neither their families nor their communities were willing to accept them back. Abducted at the age of 9 or even younger, a number of the boys had become platoon commanders, and in terms of experience were ‘13 going on 25’. The laying down of weapons meant that they had no future except to join thousands of others in displaced and refugee camps that dotted the countryside; indeed many of them were actually running the camps themselves.<sup>35</sup> Even worse were the girls, many of whom were reported as being reluctant to seek help, but on the occasions when they were examined, it appeared that they experienced severe medical problems caused by rape, early child-bearing and unassisted births.<sup>36</sup>

Dallaire asserts his own responsibility for the disaster that overtook Rwanda as his own leadership of the United Nations Assistance Mission in Rwanda (UNAMIR) as an inability to persuade the international community that Rwanda was worth saving from the horror of genocide, even when, in his judgment, the measures needed for success were relatively small.<sup>37</sup> At its heart, however, it is maintained that fundamentally the Rwandan story is the failure of humanity to heed a call for help of an endangered people.<sup>38</sup>

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<sup>34</sup> R. Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, Arrow Books, London, 2003.

<sup>35</sup> Ibid., p. 511.

<sup>36</sup> Ibid., p. 512.

<sup>37</sup> Ibid., p. 515.

<sup>38</sup> Ibid., p. 516.

The same theme is explored in a further book by the same author entitled *They Fight Like Soldiers, They Die Like Children*, published in 2010.<sup>39</sup> In this text the emphasis is more on resolution of the problem that gives rise to the incidence of child soldiers as opposed to setting down a record of its manifestation. The starting point is the assertion that Child Soldiers are not weathered warriors who have consciously committed their adult life to the use of force against others, nor are they combatants in countries that consider the use of force as limited exclusively for protection and self-interest.<sup>40</sup> In short these children fight and die in circumstances where there are no rules save self-preservation. Whilst this may be true in perhaps the majority of cases, it is surely an oversimplification of a complex definition, and fails to take into account many of the positive reasons why children are drawn to a fighting force, however crude or rudimentary. It may further be argued that with such an approach, the analysis distorts the perception that many people have in the West that all children need protection, that their fighting potential is ignored from the perspective of its effectiveness, and, conversely, that the fighting potential of Western forces comes to be damaged. The latter is particularly the case when the issue of morale is considered on the part of forces engaging with children.

Dallaire continues the same theme by positing that ‘...in distant and disparate battle zones, we find the professional soldier, buoyed by years of experience and tradition in the most modern of technological instruments of war, coming face to face with the absolute opposite. It would be nearly impossible to invent a more complete antithesis to the modern, mature warrior-cum-peacekeeper than the child rebel, the child fighter, the child soldier.’<sup>41</sup> Again, this is a stark definition of the problem. As Samuel Finer points out in *The Man on Horseback, the Role of the Military in Politics*<sup>42</sup> there is a distinct class of countries where governments have been repeatedly subjected to the interference of their armed forces, and the military as an independent political force constitutes a distinct and peculiar political phenomenon.<sup>43</sup> It is in such states, commonly referred to as either failed or failing states that there is found weak civil administration and ineffective legal institutions and an absence of the rule of law.

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<sup>39</sup> R. Dallaire, *They Fight Like Soldiers, They Die Like Children*, Hutchinson, London. 2010.

<sup>40</sup> Ibid., p.13.

<sup>41</sup> Ibid., p. 15.

<sup>42</sup> S. Finer, *The Man on Horseback, the Role of the Military in Politics*, Penguin Books, 1975.

<sup>43</sup> Ibid., p. 3.

Whilst acknowledging the weaknesses of the military from the point of view of administering a modern state in terms of an innate technical inability,<sup>44</sup> Finer demonstrates that a military machine is marked by the superior quality of its organization unrivalled by any other civilian group. When coupled with the attractions associated with military virtues such as discipline, self-abnegation, obedience and the like it is not difficult to see how the military offers an attraction to young persons and even children. It even provides an expectation for an adult population tired of successive corrupt civilian governments. Within this broad context, as we have seen<sup>45</sup> war can provide the opportunity young people seek, however distasteful it may seem to western perceptions; and it is a misunderstanding to view the problem upon the footing that all children are forced through the barrel of a gun to participate in conflict and any attendant excesses that invariably coincide with it: this is simply not the case.

Dallaire poses the following questions:-

‘Can we actually eradicate from the minds of evil adults the very idea of using children as weapons of war? Is there room for innovative research and training to counter and prevent their use? Is there a way by which we free citizens can engage with political leaders to stop the massive abuses of children in conflict-riddled and imploding nations where poverty drives desperately corrupt and ill-begotten power?’<sup>46</sup>

Naturally, the thesis of the book is that the questions posed may be answered in the affirmative. However, when the details of the answers to the questions he poses are considered, they suffer from their generality and, to a very large extent their impracticality. For example, the author identifies what he describes as ‘reintegration’ as being the most important part of the entire process leading to peace,<sup>47</sup> by which he means providing support for all war-affected children in their own communities, but which is in so many cases underfunded. Given the scale of the problem which Dallaire identifies, is it really practical for the West, particularly in its present position of financial retrenchment, to underwrite what are essentially large scale aid

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<sup>44</sup> Ibid., see Ch. 3, ‘The Political Weaknesses of the Military’, pp. 12-19.

<sup>45</sup> R. Brett & I. Specht, op cit., p.7.

<sup>46</sup> R. Dallaire, op cit., p.15.

<sup>47</sup> Ibid., p.171.

programmes across the world in many failed or failing states in order to address the issues he defines? There is surely no issue about the desirability of providing infrastructure reconstruction and employment generation, the criticism of the thesis remains that the recommendation is uncostered and unrealistic. For example, in the chapter entitled 'The Child Soldiers Initiative',<sup>48</sup> the issue of fund raising is addressed. It is clear that, notwithstanding the donation of monies made by the author to the enterprise, there is no coherent plan to fund the enormous task that would be required to eradicate the child soldier problem in Africa. The reality is that such nations who resort to the use of child soldiers commonly experience indebtedness, poor trading conditions, a reliance on primary production, economic and political failure, the incidence of one-party or military dictatorship and a failure of political will. Initiatives of the kind described by Dallaire are well intentioned, but they do not take into account the structural nature of the problem and the realities it poses for western forces.

The latter is exemplified by the treatment that the author gives to the use of lethal force against child soldiers. Reference is made with approval to the text *Killing in War* by a J. McMahan,<sup>49</sup> and to the observation that '... just combatants may be morally required to fight with restraint, even at greater risk to themselves ... when child soldiers are conspicuously young ... just combatants should show them mercy, even at the cost of additional risk to themselves, in order to try to allow these greatly wronged children a chance at life.' To this view Dallaire appears to subscribe by asserting that *in extremis* soldiers have to look at the most horrible option of actually using force against some of the children in order to stop the killings, mutilation and horror of the many.<sup>50</sup>

Although the author declares himself 'a passionate humanist', I question whether such an argument is a responsible one for a high ranking officer to take, and raises rather difficult moral and philosophical questions. To what extent should Dallaire's humanism, or any ranking officer's personal convictions however passionately held, be a factor in his command? Is it right that a personal conviction be placed above his

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<sup>48</sup> Ibid., Ch. 9, pp. 207-233.

<sup>49</sup> J. McMahan, *Killing in War*, Oxford UP., 2009.

<sup>50</sup> R. Dallaire, *op cit.*, p. 225.

own responsibility to the troops he commands and their welfare? What influence do such sentiments have upon the importance of the military objective, and are they relevant? We have seen that armed children can pose as much, if not more, of a threat to conventionally armed soldiers; how does the author square this fact with not only the military covenant, but operational demands? Does Dallaire maintain his position in the event that he is called on to confront a child suicide bomber armed with a nuclear device, however crude? When these questions are matched against the central thesis of his argument, his assertions about a 'humanistic' approach to these problems appear irrelevant at best, dangerous at worst and beside the point. Surely a threat has to be confronted with all the available means at the disposal of the opposing side for the greater good and the wider public interest served by the military who are called upon to protect that interest.

Such moral dilemmas are not uncommon in the history of warfare and armed conflict. In July 1944, during the debates that surrounded the possible use of the first atomic bomb, a physicist named Leo Szilard submitted a petition on behalf of sixty-nine fellow physicists insisting that the government had an 'obligation of restraint'.<sup>51</sup> The government had already resolved to use the atomic device '...at the earliest opportunity and without warning.'<sup>52</sup> The Secretary of State for War, Henry Stimson, however, was able to strike from the list of targets the former capital of Japan, Kyoto, then the chief repository of Japan's culture and traditions, upon the basis that the dropping of an atomic device on such a city would make the post-war task of reconstruction in a conquered Japan all the more difficult. Of course the scale of the problem is very different when compared to the response of Dallaire to the use of child soldiers, but the principle is similar: a conscious decision to limit a known capability in war in the wider interests of humanity it may threaten. Similar concerns were raised in objection to the aerial bombing campaign over Germany with the establishment of the Committee for the Abolition of Night Bombing in the spring of 1942 and which was to become the Bombing Restriction Committee. In her fortnightly 'Letter' written and published for the peace movement, Vera Brittain wrote: 'We must decide whether we want the government to continue to carry out

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<sup>51</sup> A. Grayling, *Among the Dead Cities, Was the Allied Bombing of Civilians in WWII a Necessity or a Crime?* Bloomsbury Publishing, 2006, p. 153.

<sup>52</sup> G. De Groot, *The Bomb*, London, 2004, p.74.



through its Bomber Command a policy of murder and massacre in our name. Has any nation the right to make its young men the instruments of such a policy?’<sup>53</sup>

By inference, Dallaire suggests that no nation has the right to require its soldiers to shoot young people as part of a deliberate policy that may arise from a deployment where the risk of any such engagement is manifest. However, the difficulty with arguments such as these, as with all such arguments invariably deployed by persons of conscience, is an inability to distinguish between practical reality and theoretical utopia, or, put another way: the world as it is, as opposed to the world they would like to see.

Perhaps the most significant indictment of the Dallaire position is his desire to eradicate the child soldier problem by the development, through what he terms the ‘Child Soldiers Initiative’.<sup>54</sup> The thesis revolves around a suggestion that peacekeepers, by which is meant in broad terms UN Representatives, should develop ways to ‘...connect and talk with the people of the region, especially the kids.’<sup>55</sup> It is also indicated that attempts should be made to impress upon commanders who may be inclined to utilise children that using children to fight their battles is to adopt ‘...a losing position’.<sup>56</sup>

Much is made of the Winnipeg Conference of August 2006 of which Dallaire was a leading light, and which sought to emphasise to participating non-governmental organisations the importance of child protection, the development of military tactics to prevent recruitment, the need to respond to violations of the subsisting legal regime to prevent the usage of children, and the need to develop what is described as ‘serious fundraising’<sup>57</sup> to develop research into the problem as the author defines it.

Without in any way seeking to decry such a humanistic approach to our problem, little attempt is made to set the child soldier problem in an appropriate context, and in particular to recognise the global nature of its incidence as a product of failed or

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<sup>53</sup> P. Berry & M. Bostridge, *Vera Brittain: A Life*, Boston, Mass., 2002, p. 431.

<sup>54</sup> R. Dallaire, *op cit.*, Ch. 9, pp. 207- 233.

<sup>55</sup> *Ibid.*, p. 209.

<sup>56</sup> *Ibid.*, p. 215.

<sup>57</sup> *Ibid.*, p. 222.

failing states, and the need for a global solution, rather than the series of surface scratching measures recommended by General Dallaire.

An alternative, and it is suggested, a more realistic approach to defining the problem is to be found in the work of Mats Berdal and Achim Wennmann in a joint publication entitled '*Ending Wars, Consolidating Peace: Economic Perspectives*', which arose out of a two-year research programme at the International Institute of Strategic Studies on the topic '*Economics and Conflict Resolution*'.<sup>58</sup> In short it is contended that in the post-Cold War era international attempts to assist countries emerging from war have been, what is describes as 'uneven'. Berdal puts the point thus: -

'A major reason for this (i.e. the 'uneven' approach) lies in the recurring failure of those charged with peace building and reconstruction activities – however benign and well-meaning their intentions – to treat societies emerging from violence and war on their own terms. In part, this failure is linked to an all-too-common lack of understanding and sensitivity towards the cultural and historical specificities of war-torn societies. At least as important, however, has been the failure of outsiders to recognise the dynamic and complex ways in which the conditions of war and violent conflict themselves affect and reshape societies, and, in doing so, how they generate distinctive political, economic and developmental challenges that do not lend themselves to 'templated' solutions ...to economic recovery.'<sup>59</sup>

What is not often appreciated in the West by those persons seeking to assist the work of reconstruction is the fact that in many such states there is a vested interest in the continuation of armed conflict, not just for the purposes of survival but also for the cover it provides for predatory and criminal activity. In his essay entitled *Crime, Corruption and Violent Economies*<sup>60</sup>, J. Cockayne points out that in a globalised economy war can be increasingly difficult to distinguish from ordinary business. For example, access to global markets has made it easier for a range of violent

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<sup>58</sup> Eds. M. Berdal & A. Wennmann, *Ending Wars, Consolidating Peace: Economic Perspectives*, IISS, 2010.

<sup>59</sup> M. Berdal & A. Wennmann, *ibid.*, pp. 1-2; see also M. Berdal, *Building Peace After War*, IISS, 2009, pp. 160-161.

<sup>60</sup> J. Cockayne, Ch. 10, in M. Berdal & A. Wennmann, *ibid.*, pp. 189-218.

entrepreneurs to sell goods and services, and in turn raise money, arms and men.<sup>61</sup> In such circumstances politics and ideology are invoked to sustain popular support amid violence, and it is often the case that armed groups and criminal organisations are embedded within political organisations.

In a recent study of the politics of Yemen<sup>62</sup>, a country of the kind contemplated by Cockayne, it is well demonstrated that the subsisting regime under the control of President Ali Abdullah Saleh operates upon a neo-patrimonial system since it came to power some 33 years ago. As the study indicates:-

‘The Yemeni system is no stranger to crisis; in fact, crisis has kept the system running, and has been, to a significant degree, a deliberate choice by Yemen’s power elite. The regime of President Saleh has chosen not to implement the rule of law despite its capacity to do so. It has chosen not to plan for a post-oil economy despite the possibilities for an investment based model, and has instead mortgaged its future on its ability to bargain for external support. Finally it has chosen to reward those who reinforce the legitimacy of a system that endorses the criminalisation of the state.’<sup>63</sup>

Given the multiple problems that Yemen faces including depleting oil and water reserves, an increasingly food-insecure population and costly subsidies on petroleum products, it is likely that the measures required to tackle such problems would prove so politically unpopular that that any government willing to implement them would almost certainly undermine their long term aspirations.<sup>64</sup>

Somalia provides another such an example. This state has been the subject of legal and other non-legal measures to prevent the use of child soldiers for a number of years. Such measures include the Coalition to Stop the Use of Child Soldiers, a visit by a UN special representative, and the implementation in January 2003 of UN Resolution 1460 which calls for Somalia, and other named states to halt the practice. Post-war education programmes including teacher training and the distribution of workbooks and games designed to promote the rights and responsibilities of children

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<sup>61</sup> J. Cockayne, *Ibid.*, p. 189.

<sup>62</sup> S. Phillips, *Yemen and the Politics of Permanent Crisis*, IISS, 2011.

<sup>63</sup> *Ibid.*, pp. 12-13.

<sup>64</sup> *Ibid.*, p. 135.

and the awareness of others, have all featured in reconstruction work alongside other efforts such as land-mine awareness, peace education and living and responding with HIV/AIDS<sup>65</sup>. The latter now presents a particular problem since the problem of AIDS creates in the Third World a large number of orphans who are vulnerable to exploitation and radicalisation and who turn to crime and the membership of militias in order to maintain their existence in the face of inadequate support from their families and communities.<sup>66</sup> These are all measures of which Dallaire would no doubt approve, and of the kind he suggests.

However, concern about collapsed states and the threat they pose to international peace and security has been one of the most difficult problems in the post- Cold era, and, as has been pointed out, nowhere in so profound a form as in Somalia.<sup>67</sup> In particular, and since January 1991, Somalia has had no functioning central government. All external attempts to establish such a government have failed, but what is perhaps most striking is the fact that the country has not descended into anarchy, but there has arisen a series of ‘sub-state polities’<sup>68</sup>, that have assumed in some cases, the core functions of government. In circumstances where warfare has undergone a transformation in addition, and which becomes more localised and intra-clan in nature, the breeding ground for the recruitment of children is established. Of special relevance to Somalia is the rise of radical Islamic movements and the option they provide of alternative systems of governance such as the organisation Al-Ittihad al Islami (‘AIAI’). When coupled with the growth of Islamic schools, akin to the madrasses in Pakistan, it is likely that they are socialising an entire generation of young Somalis to an angry, anti-Western and conspiratorial views of world events.

As Menkhaus asserts:

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<sup>65</sup> See Global Information Networks in Education, ‘About Ginie-Programs’, August 1999, <http://www.ginie.org/ginie-crises-links/pr/somalia.html>; see also S. Elbe, Strategic Implications of HIV/AIDS, Adelphi Paper 357, IISS, 2003, especially ‘Youth Crime and Armed Bands, pp. 56-57.

<sup>66</sup> M. Schonteich, ‘Age and AIDS: South Africa’s Crime Time Bomb?’ cited in R. Shell, ‘Halfway to the Holocaust: The Economic, Demographic and Social Implications of the AIDS Pandemic to the Year 2010 in the South African Region’ in M. Lange (ed.) *HIV/AIDS: A Threat to the African Renaissance?*, Johannesburg, SA, pp.18-19.

<sup>67</sup> K. Menkhaus, Somalia: State Collapse and the Threat of Terrorism, Adelphi Paper 364, IISS, March 2004, p. 8.

<sup>68</sup> K. Menkhaus, *ibid.*, p. 11.

‘Much of the conventional wisdom on the Somali crisis – the nature and scope of its lawlessness, the dynamics of its armed conflicts, the interests of its key political actors in rebuilding a functional state and reviving the rule of law, the agenda and strength of its radical Islamist groupings and the extent to which it is a safe haven for global terrorist networks – is a misreading. This kind of misdiagnosis is not unique to Somalia....It can be partially attributed to residual thinking. Policymakers in Western capitals, whose worldview has for decades been shaped by the notion that wars are fought to be won and that a state is essential for the existence of the rule of law, are slow to accept the radical implications of war as state of ‘durable disorder’.<sup>69</sup>

Given such a conclusion which, for the purposes of this thesis I adopt, how can the remedies suggested by Dallaire have any realistic prospect of success? The withdrawal of sponsorship at the end of the Cold War provided a further impetus to many belligerents to develop other sources of revenue. In much of Sub-Saharan Africa the availability of natural resources permitted many local wars to be sustained. The RENAMO in Mozambique, well known for the use and recruitment of child soldiers benefitted from smuggling and protection rackets run on the flow of goods from neighbouring land locked countries,<sup>70</sup> whereas UNITA, a similar organisation from the point of view of child recruitment, benefitted with cash obtained from diamonds and oil.

There is of course another, and perhaps more unorthodox view, that suggests it is wrong to regard the use of children in warfare in terms of success or failure, but more in terms of regarding their usage as a normal part of such societies. When it comes to confronting such societies, or perhaps more accurately, part or fractured societies in the event that Western security becomes an issue, and which may require intervention by force, then the engagement of their soldiers, who may happen to include children, is an inevitable fact. This is in contra-distinction to Dallaire who predicates his thesis upon the basis that the ‘child soldier problem’ as he defines the same is a soluble

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<sup>69</sup> K. Menkhaus, *ibid.*, p. 77.

<sup>70</sup> P. Le Billon, *Fuelling War: Natural Resources and Armed Conflict*, Adelphi Paper 373, IISS, 2005, p. 43.

problem, as opposed as is the contention of this thesis, namely, a problem that can only ever be the subject of containment.

When the problem is considered from a Western perspective there is a conclusion to be drawn. Yes, the problem of children being used all over the world in different forms for the purposes of armed conflict, being deprived of their youth, being exposed to risk for uncertain and dubious causes at the hands of ruthless regimes does matter, but the cause to prevent such usage by suggestions, as Dallaire propagates, is not served by suggestions that the West should seek to supply money or to set up education programmes to deal with a truly global and entrenched problem. More particularly, the phenomenon is perhaps a small, although disturbing from the point of view of Western perceptions, part of modern politics in the Third World and should be viewed as such. It is easy to argue that the solution is to stifle the roots by which the problem is created: to build democratic states; to implement the rule of law; to educate populations in concepts of human rights; to fund welfare programmes throughout the Third World and elsewhere; to aid development and so on, but the disappointing fact remains that such approaches remain a pipe dream of impossibility, so great is the task. Children may be the victims of conflict, but their existence remains a fact and must be confronted in much the same manner in which conventional soldiers are engaged.

**Are there instances where the Child Soldier problem has been eradicated, and, if so, in what circumstances?**

Leaving aside the factor of obliteration as a consequence of direct military defeat, as was the experience of the Hitler Youth at the end of the Second World War<sup>71</sup>, there is no special formula that can be applied in a general sense and across all political spectrums. The thesis deployed in this chapter is that ‘templated’ solutions will inevitably fail. Whilst it is possible to define the factors that may give rise to the employment of the young, it is impossible to define a remedy.

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<sup>71</sup> See H. Koch, *op cit.*, Ch. XI, pp.228-252.

Northern Ireland is an example which does, however, call for comment. There are 500,000 people under the age of nineteen in Northern Ireland, a country which has experienced the longest period of civil disturbance in modern times.<sup>72</sup> In the struggle for ‘hearts and minds’, identity, justice, territory and truth, the minds of children have been as valuable in the endeavour as the minds of adults.<sup>73</sup>

It has been pointed out that ‘the sectarian divide’, the subject of much comment within the press, has permitted not only the division of communities, but also the politicization of those communities which may include schools, youth organisations and families.<sup>74</sup> Of course the story of ‘the troubles’ has been told many times<sup>75</sup>, and to some extent ‘the troubles’ continue in a variety of forms.<sup>76</sup> This is not the place in which to explore them. What is more significant, however, is to note that the experience of Northern Ireland is one where the active employment of children by both sides of the sectarian divide was well established and, in recent years, save for a few notable examples, the incidence has diminished. Why is this the case, and are there any lessons to be drawn from the experience of Northern Ireland?

From a strict historical perspective, Brocklehurst points to the arrival of the ‘English’ onto ‘Irish’ soil from the fifteenth century onwards as marking the beginning of a hierarchy in terms of bestowed identity and socio-economic opportunity.<sup>77</sup> This hierarchy became more and more entrenched in subsequent years leading to the commencement of the Irish War of Independence in 1919 waged by those in the southern counties of Ireland. Children became an inevitable part of this struggle, whilst the battle for children’s minds was influenced by the segregation of education and, as a consequence to the kind of education children received, particularly in the teaching of history.

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<sup>72</sup> E. Cairns, *Caught in the Crossfire: Children and the Northern Ireland Conflict*, Appletree, London, 1987, p. 11.

<sup>73</sup> H. Brocklehurst, *op cit.*, p. 83.

<sup>74</sup> H. Brocklehurst, *ibid.*, p.83.

<sup>75</sup> See for e.g. J. Darby, ‘Conflict in Northern Ireland: A Background Essay’, in S. Dunn (ed.) *Facets of the Conflict in Northern Ireland*, Houndmills: Macmillan, 1995.

<sup>76</sup> The Real IRA, a coalition of dissident former IRA members began to recruit boys in the 14-16 year age group in the late 1990’s, see ‘Teenage Boys Trained by Paramilitary Group, Guardian Weekly (London), 29<sup>th</sup> November 2000.

<sup>77</sup> H. Brocklehurst, *op cit.*, p. 85.

Against this historical backcloth, the recruitment of children by terrorist groups followed a familiar pattern to other terrorist groups. Children could be used to lure British Army patrols into ambushes more easily where women and children are the bait; children can be used as human shields, and their deaths can be employed to portray martyrs' deaths for the cause of a united Ireland, and as heroes rather than victims. Of particular relevance is recent research which appears to demonstrate that children as young as five can explain the difference between violent crime and political violence.<sup>78</sup> Youth, and the susceptibility of young people to manipulation and exploitation, particularly by the unscrupulous, and the utility that young people may have for the terrorist cause present a deadly combination. Ironically, the perceived weakness of children represents as their greatest strength.

It seems clear that the reduction in the use of children in the context of Northern Ireland, can only be seen as a product of a wider political settlement of the 'troubles', and the lessening of political tensions, as opposed to any particular formula relating to children. Of course with the building of a political settlement and the building of trust between communities, other, perhaps more direct measures become possible, such as the merger of Protestant and Catholic education.

In one sense, from the point of view of the child soldier question, the story of Northern Ireland represents a success story. In another sense no direct lessons may be drawn since, as we have seen, once a political settlement is achieved other problems, social, political and military may be tackled. In short, there is no such thing as a 'templated' solution as Berdal has observed<sup>79</sup>.

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<sup>78</sup> E. Cairns, *Children and Political Violence*, Blackwell, Oxford, 1996.

<sup>79</sup> See footnote 58.



**Do cultural issues influence the way in which children are regarded as soldiers, and if so, how?**

When questions of deployment against children arise, and, in particular in relation to children in the Third, or underdeveloped world, the West inevitably sees the problem from the perspective of the human rights of the children concerned, and understandably sees such children in the terms as defined by the West. Is this accurate? In the event that it is not, as is the contention here, it may well follow that any decision to engage with children in the context of a battle or conflict zone may be based upon totally false assumptions. The same point arises as to the manner in which any engagement takes place. Put another way, the West and its soldiers need to understand the enemy that they are called upon to fight. I have no doubt that the current command structure in the British Army would reject any suggestion that they ‘...do not understand the enemy they are called upon to fight’, but given that no specific training regime exists in the context of the British Army; one may surely question the extent of the knowledge the command purports to have in this particular area of conflict.

For many years anthropologists have observed how different culture patterns have influenced the manner in which children are reared. Within the study of psychology there exists a tension between biological theories of development; the theory that development of children is derived from the human ‘genotype’; and the position taken by some anthropologists. In the work of Benedict and Mead in 1934, it is asserted that ‘...from the moment of birth the customs into which (a child) is born shape his experience and behaviour.’<sup>80</sup> Whilst some influence on behaviour is admitted by the anthropologist school to the fact of genetic development, most indicate that biology has little to say about development within a culture.<sup>81</sup>

Some theorists have chosen to consider the fact of childhood as being a social construction, which has little to do with genetic factors and a closer affinity to a sociological definition. In other words attitudes to children are conditioned by

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<sup>80</sup> R. Benedict, *Patterns of Culture*, Boston, 1934, p.2.

<sup>81</sup> See P. Smith et al., *Understanding Children’s Development*, 4th Edition, Blackwell, Oxford, 2003, p. 54.

dominant belief systems that may prevail in any given society, and can only be properly understood within the context of social, political and cultural factors.<sup>82</sup> Put another way, this is merely an extension of the 'nature/nurture' debate within a different context, or a struggle between those who believe that the concept of childhood arises from a form of social construction that childhood is specific to particular social or cultural conditions; as opposed to those who believe that childhood has natural or universal features.

From the perspective of sociology the work of James and Prout in 1990,<sup>83</sup> is of interest to the debate in that they argue for a new paradigm in the thinking about child development. The following main features emerge at pp.8-9: -

(i). Childhood is understood as a social construction and provides an interpretative frame for contextualising the early years of human life. Childhood is neither a natural nor a universal feature of human groups but appears as a specific structural and cultural component of many societies.

This point is in accord with a social constructionist belief.

(ii). Childhood is a variable of social analysis. It can never be entirely divorced from other variable such as class, gender and ethnicity. Comparative and cross-cultural analysis reveals a variety of childhoods rather than a single or universal phenomenon.

This point is again in accord with a social constructionist belief.

(iii). Children's social relationships and cultures are worthy of study in their own right, independent of the perspective and concern of adults.

(iv). Children are, and must be seen as, active in the construction and determination of their own social lives, the lives of those around them and the societies in which they live.

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<sup>82</sup> P. Smith et al., *ibid.*, p. 57.

<sup>83</sup> A. James & A. Prout, *Constructing and Reconstructing Childhood*, Basingstoke, 1990, pp. 8-9

(v). Ethnography is a particularly useful methodology for the study of childhood. It allows children a more direct voice and participation in the production of sociological data than is possible through experimental or survey styles of research.

(vi). Childhood is a phenomenon in relation to which the double hermeneutic of the social science is present. That is to say, to set out a new paradigm of childhood sociology is also to engage in and respond to the process of reconstructing childhood.

One of the problems which arise from an attempt to define childhood and its possible cultural context in the manner described is the fact that the orientation derives from a Western perspective which may be inapplicable when considered in nations where the use of the child soldier may be more likely. For example, as Alcinda Honwana points out in *Child Soldiers in Africa*<sup>84</sup>, in Mozambique and Angola, any international interventions to prevent or to assist in the prevention of the use of Child Soldiers must be compatible with and supportive of local knowledge about trauma and healing. This is in part a consequence of the fact that African societies are based upon forms of 'common sense' that differ from those prevailing in the West. Such cultures have their own routes to understanding and healing war-related afflictions based upon ancient forms of religious belief, spiritual expression and healing practices. Persons are constituted by their relationships with kin and community and local government is not just a set of regularized, formal legal and political arrangements.

It would seem, therefore, that attempts to construct cultural models in order to assist with an understanding of childhood in general and the child soldier in particular, are in danger of being drawn according to a European-American order which so often misunderstands how organisation of life, and their regard for children and their place in society, is conducted within African cultures according to visible relationships and persons rather than as defined and mediated by legal structures and state systems.

African cultures are of course examples, and care should be taken not to over generalise any conclusion based upon too narrow a sample or set of examples, but the

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<sup>84</sup> A. Honwana, op cit., p. 153.

essential truth which may be derived from this short analysis is that the Child Soldier problem is defined from western perspectives and in terms of law, culture and attitude. Perhaps it is not surprising that military solutions and the manner in which western soldiers are trained, the perceptions of their own governments suffer as a consequence as we shall see in the next Chapter.

### **CHAPTER 3: THE CURRENT EXPERIENCE OF THE UK ARMED FORCES – THE STRATEGIC CONTEXT**

The main thesis of this chapter is concerned with the experience of the United Kingdom in having to contend with the incidence of children who are engaged by nations, as well as terrorist or other armed groupings, for their own strategic purposes against the interests of the United Kingdom and her allies. Its focus is the modern world, and questions both the ethos of the British Armed Forces, their structure and current training programmes as to whether the present regime is adequately geared to deal with the problem as I have defined it.<sup>1</sup>

During the recent and ongoing conflict in Iraq, British soldiers were obliged to engage children. Richard Holmes in his recent examination of that conflict, *'Dusty Warriors'* poses the problem thus: -

‘Most soldiers in contact killed to stay alive, and some went further, gaining professional satisfaction from outmanoeuvring or outshooting their adversaries, even if the consequence of this success was the death of another human being. Some found it impossible to shoot youngsters.... Trooper Ken Boon (observes): ‘Then a young lad in his early teens threw a grenade at me, I could have shot him easily but instead I took cover because I can’t kill a child that had probably been told to throw it.’<sup>2</sup>

Brigadier David Meyer had experience of the problem of boy soldiers from his own active service in the Democratic Republic of the Congo, and was aware of the problem in the context of Iraq and Afghanistan<sup>3</sup>. In his opinion, there was no special or particular problem that arose from the point of view of regular forces engaging children. He drew attention to the current Rules of Engagement (‘ROE’) that permits any soldier to use lethal force if that soldier believes that his life is in danger, irrespective of the age of the assailant, perceived or not perceived.

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<sup>1</sup> See Chapter 1.

<sup>2</sup> R. Holmes, *op cit.*, p. 317.

<sup>3</sup> Interview with Anthony Callaway at the MOD, London on the 29<sup>th</sup> October 2008.

Brigadier Meyer further asserted that the chain of command from corporal to company commander was attuned to the problem of a modern force encountering child soldiers. In particular, he stressed the relevance of intelligence led strategy identifying the existence of child soldiers, and the consideration of the employment of what has come to be known as 'effects based warfare'. In so far as small engagements are concerned, of which Sierra Leone and that in the Democratic Republic of the Congo are examples, the existence of a child soldier may, in his opinion, present a tactical problem in respect of which British armed forces, as presently configured, are well able to deal. Yet in the context of larger strategic deployments, such as those in Afghanistan and Iraq, Meyer was of the opinion that the child soldier did not pose a specific strategic threat and hence did not require any adjustment in current training regimes.

This view is not an isolated one. During early April 2008 I conducted another interview with Commodore (now Rear Admiral) Lionel Jarvis shortly to become the Surgeon General.<sup>4</sup> Jarvis was keen to emphasise the stress that the UK placed upon the need to care for, and properly treat personnel that came within the purview of British forces who appeared to be children or otherwise underage. He was particularly considering the context of Iraq and Afghanistan, in circumstances where children had been taken prisoner and the advice that UK forces had received to separate such persons from the conventional soldier, and was eager to rebut any suggestion that the UK was unaware of the problem presented by the child soldier. One of the roles of the Surgeon General was to deal with press and media enquiries into tasks that were being undertaken by the military. He was aware of the nature of this research and would not wish it to be thought that the MOD had given any support to any project which suggested directly or indirectly that it was in some way acceptable to shoot children in whatever context or setting. To do so would create a significant political backlash which he would be obliged to field. His approach was to stress the importance that the MOD places upon the application of the law, and international law in particular; that children whom the military may come across in a combat role are properly treated in accordance with that law and convention, and from his perspective, saw no exceptions that would apply.

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<sup>4</sup> Interview with Anthony Callaway at the MOD, London on the 15th April 2008.

What emerges in terms of training specifically and derived from another interview with the Engineer in Chief of the Army, Brigadier Barry Le Grys.<sup>5</sup> He confirmed that the Army had no specific policies for dealing with the problem presented by child soldiers. He spoke of his own personal experience from deployments in Afghanistan, Iraq and Sierra Leone as an officer in the Royal Engineers acting under the auspices of the UN. Le Grys was eager to stress the importance that the Army places upon the 'education' of soldiers prior to any deployment, but pointed out that such 'education' was limited to the geographical and political context of the deployment coupled with existing training techniques. Brigadier Le Grys indicated that the British Army approaches the problem of the child soldier from the perspective that the very idea of a child being used as a combatant is both legally and morally unacceptable. Where such manifestations exist in the world, it is more likely to be a product of weak states that are unable to prevent such occurrences. The bias in the British Army is, therefore, to centre any response upon the footing that prevention is better than cure, and to build the infrastructure in countries regarded as weak, so as to prevent the likelihood that children are made the subject of recruitment. I question whether such a response is a realistic one given that the resources available to the West or any nation are necessarily finite, and are unlikely to scratch the surface of the scale of Third World debt and the struggle for resources in underdeveloped nations. It seemed to me that the approach of this interviewee was to disseminate a politically acceptable solution partly as a consequence of his rank and partly in justification of his position that there was no need for change.

This raises the question as to whether UK armed forces are best organised to face the threat posed by child soldiers. It has already been observed that current British Military Doctrine makes no mention of child combatants.<sup>6</sup> It is unclear whether this apparent lacuna is because the child soldier is considered to pose no strategic or tactical threat or because the training of UK armed forces is in fact adequately organised to counter the problem.

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<sup>5</sup> Interview with Anthony Callaway at the In and Out Club, London on the 3<sup>rd</sup> September 2008.

<sup>6</sup> Chapter 1.

I further question whether it is realistic to adopt a response upon the basis that no account is taken of the psychological consequences to soldiers whether by the existence of training programmes and/or treatment centres. The latter is partly answered by posing another question as to whether or not a psychological consequence emanates from such encounters. It is argued that this omission potentially represents a double failure on the part of those charged with committing men to battle in pursuit of a defined political objective, and in ensuring their welfare and survival as effectively as can be devised.

## **The Modern Battlefield**

### **(i). Definition**

Throughout history strategists have endeavoured to define the battlefield of the future drawing upon the lessons of the past. The modern world has seen in recent years a decline in the threat posed by a traditional militaries and a corresponding rise in the threat from terrorist groups, some having the benefit of state sponsorship and others without.<sup>7</sup> It has been pointed out that there is nothing new in 'irregular' or guerrilla attacks being carried out by religious fanatics and which predates the development of modern armed forces and even the nation state itself.<sup>8</sup> What makes such attacks more significant is the incidence of technological advance making such attacks more potent. It is likely that the battlefield of the future will consist of a series of hit-and-run attacks rather than the more conventional 'force-on-force' engagement.<sup>9</sup>

There is a wide range of competing definitions of what a revolution in Military Affairs is.<sup>10</sup> Lawrence Freedman adopts the approach that 'revolution involves more than change, and certainly more than simply change of an incremental variety. It represents a moment of transformation.'<sup>11</sup> It is not suggested that the use of children in modern war represents a revolution in the narrow sense of the term as defined by Freedman, yet it is argued that their deployment when allied to technical advances in

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<sup>7</sup> M. Boot, *op cit.*, pp. 432-433.

<sup>8</sup> *Ibid.* p. 433.

<sup>9</sup> *Ibid.* p. 473.

<sup>10</sup> T. Benbow, *op cit.*, p. 194.

<sup>11</sup> L. Freedman, 'The Revolution in Military Affairs', Adelphi Paper 318, IISS, 1998, p. 7.



weaponry coupled with a readiness on the part of nation states and others to deploy them represents a significant change in the manner in which modern war is fought and is likely to be conducted in the future. Whether such developments can be properly described as ‘revolutionary’ is a separate issue.

Philip Bobbitt in his book *Terror and Consent* points out that both terrorism and warfare are undergoing a radical transformation to the extent that large scale industrial warfare of nation states is being replaced by the targeting of civilian populations as a direct objective rather than as a collateral cost.<sup>12</sup> The ultimate objective is not to occupy territory, but rather to terrorise populations in order to secure acquiescence. It has already been noted that this distinction between ‘old’ and ‘new’ wars has not been sufficiently grasped, and nations appear to be embarked upon a course to extinguish the threat from the new by reference to methods of the old.<sup>13</sup>

As already mentioned Brigadier Le Grys points to the whole idea of a child combatant as being ‘legally and politically unacceptable’ to the thinking within the British Army. However, the world is moving from an international order dominated by law and legal institutions towards one that is reliant upon the market and informal institutions and supplements afforded to UN peacekeeping operations. Indeed, the opinion of Le Grys fails to take account of the fact that legal provisions have little currency within those states most likely to employ children as combatants let alone by armed groups over which the state has no control. Further, the most powerful and developed states are those who are empowered by law having the influence to write rules that are most favourable to their circumstances and values;<sup>14</sup> whilst international law is ‘often perceived as a vehicle for anti-American resentments’.<sup>15</sup> Law and adherence to the law cannot be relied on to protect regular forces on the modern battlefield. Nor can it be assumed that state against state warfare will be the norm in the future, as will be seen there is evidence that such conflict is likely to be the exception.

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<sup>12</sup> P. Bobbitt, op cit., p. 132.

<sup>13</sup> M. Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Stanford University Press, 1999.

<sup>14</sup> P. Bobbitt, op cit., p. 502.

<sup>15</sup> J. Rubinfeld, *The Two World Orders*, *The Wilson Quarterly*, Autumn 2003

Professor Eyal Ben-Ari in an essay entitled '*Facing Child Soldiers, Moral Issues, and "Real Soldiering"*': *Anthropological Perspectives on Professional Armed Forces*'<sup>16</sup> seeks to contextualise the nature of the child soldier problem. In particular he asserts that the combination of threatening youngsters and assumptions about their inexperience and immaturity coupled with global images of children as innocent and vulnerable creates a cultural anomaly that poses a set of problems for soldiers who confront them.<sup>17</sup> Such images are given further credence by the activities, worthy by nature, of charitable organisations such as UNICEF, the Save the Children Fund, the International Labour Organisation (the 'ILO') and Oxfam. Further, it is an accepted wisdom within biological and psychological structures prevalent within the West, that the effects of war are overwhelmingly negative.<sup>18</sup> But how true is such an assumption? In a study published by the ILO, of 53 boys and girls who had been involved with armed groups before they had reached the age of 18, drawn from a variety of situations including Afghanistan, the Democratic Republic of the Congo, Sierra Leone and the United Kingdom, it is striking the extent to which the young people interviewed defined themselves as having 'volunteered' rather than having been forced to join.<sup>19</sup> Moreover, many joined for what may be described as 'positive' factors such as to gain access to education, the relief of poverty, the provision of friends and community, the desire to overturn a regime perceived as being oppressive, an economic motivation or a desire for an identity<sup>20</sup>. It is asserted that in order to confront any problem, it is necessary to understand its nature, and by equating children and vulnerability, is to misconstrue not only the threat they pose, their utility as soldiers, and the motivations behind their recruitment.

If one of the revolutionary new factors which confronted the world when the Second World War ended was the emergence of the bipolar concentration of power which replaced the multipower system.<sup>21</sup> One of the difficulties in defining the parameters of the modern battlefield is a consequence of the blurring of the traditional distinctions between regular and irregular force, with non state actors being able to gain access to

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<sup>16</sup> E. Ben-Ari, The Hebrew University of Jerusalem, Unpublished, 2007

<sup>17</sup> Ibid., p. 17

<sup>18</sup> Ibid., p. 4

<sup>19</sup> R. Brett & I. Specht, op cit., p. 4

<sup>20</sup> Ibid., pp. 39-62

<sup>21</sup> J. Herz, *International Politics in the Atomic Age*, Columbia UP, 1962, p. 111; and M. Howard, *War in European History*, Oxford UP, 1976, p. 136

a variety of weapons, including chemical weapons and nuclear arms that were at one time the preserve of states. This in turn represents a revolution in itself. Indeed, the use of the child soldier has to be seen in the context of other forms of developing conflict such as the subversion of the financial system, the damaging of the fabric of society by flooding it with drugs, resource warfare by seizing control of vital natural resources, ecological warfare by the creation of man-made disasters and even what is described as 'international law warfare' by blocking enemy action by the use of multinational organisations.<sup>22</sup>

Since the end of the Cold War UK military establishments have been reduced by about 30 percent,<sup>23</sup> yet, as Dandeker points out, the range of missions to which they are expected to contribute has widened to encompass new forms of peace support operations as well as more traditional roles and war fighting missions. There are three broad defence roles. Firstly the protection of the UK in the absence of external threat and in support of the civil power (defence role 1); secondly, the insuring against any external major threat to the UK and her allies (defence role 2); and thirdly, the promoting of wider security interests of the UK. The latter includes committing UK forces to the maintenance of international peace under the auspices of the UN (defence role 3).<sup>24</sup> The UK, amongst other nations, has no longer any need to buttress armed forces that are distinctive from the social values of the wider society.<sup>25</sup> It is this transition, arising principally from the collapse of communism and the Cold War, that has ironically made the world a more unstable and dangerous place. It has been pointed out that one of the distinguishing features of this post modern world is the decline of inter-state wars, and the rise of intra-state warfare arising from state collapse<sup>26</sup>. This in turn gives rise to the familiar problems of the resettlement of refugees, the problem of providing security for humanitarian organisations, and the creation of a new set of demands on a larger scale that the military has traditionally contended<sup>27</sup>. There are those who now positively assert that the very 'tools of war are

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<sup>22</sup> M. Boot, op cit., p. 473.

<sup>23</sup> C. Dandeker, 'The United Kingdom: the Overstretched Military', in *The Postmodern Military, Armed Forces after the Cold War*, Oxford UP, ed. C. Moskos et al., 2000, p. 32.

<sup>24</sup> Statement on Defence Estimates, 1995, Cmd. 2800. HMSO, p. 107, quoted in Dandeker, *ibid.*, p. 46.

<sup>25</sup> C. Moskos et al., 'Armed Forces after the Cold War', in the *Postmodern Military, Armed Forces after the Cold War*, op cit., p. 2.

<sup>26</sup> C. Moskos et al., *ibid.*, p. 3.

<sup>27</sup> M. Mandelbaum, 'Foreign Policy as Social Work', *Foreign Affairs*, Vol. 75, No. 1, Jan. 1996, pp. 16-32.

slipping beyond the grasp of the state and conventionally organised armed forces and into the hands of armed bands, terrorists and gangsters'. An example of such thinking is given by Van Creveld who suggests that war is no longer a rational act in Clauswetzian terms in the sense that it reflects a national interest, but, on the contrary, asserts that there is a blurring of the distinction between civilian and soldier and between individual crime and organised violence,<sup>28</sup> that makes rationality hard to discern.

(ii). Inland Security (UK Defence Role 1: Support of Civil Power)

The UK government has recognised the extent to which the problem of Islamist extremism is present in the UK. In a speech in November 2007, the Director General of MI5 estimated that some 2000 people have been identified as a threat, although it is suspected that there are as many again who are yet to be identified. This estimate had increased from the figure of 1600 individuals suggested by his predecessor who were said to be part of Islamist militant structures within the UK.<sup>29</sup> It was observed during the course of the same presentation that terrorist attacks were not random acts by disparate, fragmented groups, but were part of a deliberate campaign by al-Qaeda. Young people and children are particular targets for radicalisation, and in the opinion of the director general '...this problem has yet (to) reach its peak.'<sup>30</sup> The current strategy of the UK government officially recognises that changing technology means that the prospect of a chemical or biological terrorist attack in Britain is more likely as a consequence.<sup>31</sup> This is perhaps a belated and official recognition of the fact that the liberal, as well as old-style authoritarian regimes, many of which are characteristic within the third world, prove most susceptible to terror.<sup>32</sup> In an interview conducted in early 2009, Jonathan Evans has stated that the main threats to the UK originate from al-Qaeda's core in Pakistan and its assets in the UK. He was to observe that in the years before 2001, al-Qaeda had been 'able to establish terrorist training facilities

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<sup>28</sup> M. Van Creveld, *op cit.*

<sup>29</sup> Speech by E. Manningham Buller, Director General of the Security Service, November 2006 at Queen Mary College, London.

<sup>30</sup> Speech by Jonathan Evans, Director General of the Security Service, November 2007, quoted in Strategic Survey 2008, IISS, Routledge, 2008, pp. 159-160.

<sup>31</sup> Contest 2: Counter-terrorism strategy, 24<sup>th</sup> March 2009.

<sup>32</sup> A. Gat, *War in Human Civilization*, Oxford UP, 2008, pp. 638-639.

[in Afghanistan] and to draw hardened extremists and vulnerable recruits to indoctrinate and teach techniques in pursuit of their defined aims.’<sup>33</sup>

It has been pointed out that the question of how individuals move from political extremism to being actively engaged in violent and/or terrorist groups is one of the least understood issues in the debate about terrorism and counter-terrorism.<sup>34</sup> It is even less understood how children become members of groups that support and engage in violence with consequences for the manner in which regular forces develop a response.

It is poignant to consider the position from the point of view of Islamist extremism influencing the mind of the young in the first instance, simply because it represents probably the most potent threat to the UK at home and is recognised by the UK government as such as I have already identified. It may be argued that the problem of such extremism is not a matter for the military at all, and is more appropriately dealt with as either police matters or matters for the civil power. I consider this to be a mistaken view given the number of persons who are potentially involved: in effect a small army; and the form of weaponry at the disposal of such groups. Inevitably, in the modern world there is a blurring of the line between law enforcement and military missions. Military forces are invariably called upon to provide law and order and public safety in situations where there may be a lack of adequate policing and in contexts where police standards and practices apply.<sup>35</sup>

How do we define the battlefield in which such extremism is deployed? Cities of the world, including those in the UK, are swollen; they attract what has been described as ‘bad actors’<sup>36</sup> from extortionists to extremists, the use of easily impressionable children is attractive, and peacekeepers are often interposed between warring parties in heavily populated centres. It is becoming clear that a new form of battlefield is

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<sup>33</sup> Duncan Gardham, ‘MI5 Chief Warns of Threat from Global Recession’, Daily Telegraph, 7<sup>th</sup> January 2009, quoted in H. Synnott, *Transforming Pakistan, Ways out of Instability*, IISS, Routledge, 2009, p. 35

<sup>34</sup> P. Neumann, *Joining Al Qaeda, Jihadist Recruitment in Europe*, Adelphi Paper 399, IISS, Routledge, 2008, p. 5

<sup>35</sup> D. Gompert, ‘Underkill’: *Fighting Extremists amid Populations in Survival*, IISS, Routledge, April-May 2009, p. 162

<sup>36</sup> *Ibid.*, p. 161

emerging where humanitarian operations may place regular forces in contact with unruly crowds, whilst the use of lethal force, the conventional option of regular forces, and whether implicit or explicit, becomes a less viable option. The ultimate question may be how do regular forces prevail over an enemy without harming persons of similar appearance that happen to surround them?

The French academic Olivier Roy contends that one of the main explanations for radicalisation in Europe where the young are the subject of recruitment arises from the conflict of identity experienced by descendants of Muslim immigrants that makes them susceptible to political extremism and a militant ideology.<sup>37</sup> It is also suggested that the historical links between the UK with its significant Muslim community, and Pakistan, which currently experiences its own political instability, is responsible for the importation of terrorism to the UK.<sup>38</sup>

The method by which the young may be subjected to brainwashing in the broadest sense of that term, and subsequent recruitment to extremist causes has been made the subject of a number of studies.<sup>39</sup> In *'The Suicide Factory, Abu Hamza and the Finsbury Park Mosque'*, the authors point out how there was an exodus of idealistic young men from Arab countries to the Afghan war that has been compared to the formation of the International Brigades that fought Franco in the Spanish Civil War in the 1930's.<sup>40</sup> The analogy is apposite. The formation of the International Brigades may have been the main work of the Comintern,<sup>41</sup> yet the cause attracted many different kinds of individual drawn from many walks of life including intellectuals, the unemployed, trade unionists,<sup>42</sup> idealists, scientists, mercenaries and adventurers.

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<sup>37</sup> O. Roy, *Globalized Islam: The Search for a new Ummah*, New York: Columbia University Press, 2004, p. 303

<sup>38</sup> P. Neumann, *op cit.*, p. 13

<sup>39</sup> See: S. O'Neill & D. McCrory, *The Suicide Factory, Abu Hamza and the Finsbury Park Mosque*, Harper Perennial, 2006; The Concept of Jihad in Islamic International Law, *Journal of Conflict and Security Law*, Vol. 1, no. 1, 2005. pp. 1-23; P. Nesser, *Jihadist Cell Structures in the UK and Europe*, Presentation at a conference organised by KCL 'The Changing Faces of Jihadism' on the 27<sup>th</sup> April 2006; E. Husain, *The Islamist, Why I joined radical Islam in Britain, what I saw inside, and why I left*, Penguin Books, 2007.

<sup>40</sup> S. O'Neill & D. McCrory, *ibid.*, p. 15

<sup>41</sup> H. Thomas, *The Spanish Civil War*, Hamish Hamilton, London, 1977, p. 454

<sup>42</sup> See for example: M. Arthur, *The Real Band of Brothers, First-hand accounts from the last British survivors of the Spanish Civil War*, Collins, 2009, interview with Jack Jones, pp. 117-145

Indeed, as the numbers grew, it reached the point when any clear-cut analysis of motive became very difficult.<sup>43</sup>

Today the message propagated by the likes of Abu Hamza that it would be a privilege to kill and be killed remain at the core of Al Qaeda ideology. Indeed, teenagers in the audience of the mosque that had been the subject of infiltration by extremists, were lectured upon the footing that even although they lived in the UK, they were on the front line of the war against unbelievers who stood in the way of their aim of imposing Sharia law, and they were fighters every bit the same as those on the ground in Chechnya and Afghanistan.<sup>44</sup>

It is not difficult to comprehend why the message appeared so attractive to young people who chose to listen to this message. In the words of the study: 'The mosque was secure. It offered money, tickets and the names of people in Pakistan who would escort them safely across the border to Afghanistan...boys could come back from the jihad and find a place to stay, to talk about war, to be with their own kind of people, to make plans and to recruit other people.'<sup>45</sup> Was there a common denominator in those who were recruited? There is little doubt that the congregation was a mixture of social dropouts and petty criminals and those asylum seekers who had run away from their own conflicts, but all shared a feeling of alienation and anger.<sup>46</sup> Ed Husain in his recent book concerning his own radicalisation in the East London mosque entitled '*The Islamist*' makes the point that the mosque was more than a place of worship, it housed the infrastructures of activist organisations, as well as offering facilities for the local community.<sup>47</sup> He reports, in particular, the fact that he was taught how Islamists believed that history was a struggle between good and evil, with the West representing the latter, and the perverted belief that '...true Islam had to be in perennial conflict with *kufir* – the disbelief of the *kuffar*.'<sup>48</sup> The point can justifiably be made that where the mosque provides material support and comradeship to young people of the kind I have described; it is easy to see how this may provide a fertile

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<sup>43</sup> V. Brome, *The International Brigades, Spain 1936-1939*, Mayflower-Dell, London, 1965, p. 33.

<sup>44</sup> S. O'Neill & D. McCrory, op cit., p. 49.

<sup>45</sup> Ibid., p. 86.

<sup>46</sup> Ibid., p.79.

<sup>47</sup> E. Husain, op cit., p. 29.

<sup>48</sup> Ibid. p. 48.

base for the dissemination of an ideology by those in whom young people place their trust.

It may be said that the term 'ideology' represents too stronger a word for the rag-bag of ideas that are propagated by preachers and so-called 'scholars of Islam'. As the Israeli Ambassador to London indicated in October 2005, the term '*jihad*' may literally be translated as 'striving'. Indeed the waging of war against the West is not a means to an end but the end itself.<sup>49</sup> The next stage, by those who are so motivated, is to seek the recruitment of young persons to a perverted, if undefined cause.

It is worth reflecting on the fact that Britain has a tradition of herself recruiting boy soldiers, but never in so great a number as in the Great War. There were cases of boys as young as thirteen or even twelve serving in France.<sup>50</sup> There is even an example of an officer commissioned into the 11<sup>th</sup> East Lancashire Regiment ('the Accrington Pals') aged fifteen<sup>51</sup>. I do not seek to equate boys who decide to join Islamic jihad in the modern world to fight on the UK mainland and elsewhere with those young people who joined the colours in the Great War, but there are significant parallels. Young people under eighteen are susceptible to propaganda. Many have a belief in their own indestructibility, incomprehension of risk or danger and the desire to seek adventure without perhaps considering in any detail the reasons for the conflict upon which they embarked, or the consequences to themselves. To others a regiment provided comradeship and a home never previously enjoyed.<sup>52</sup>

There is no evidence to support any assertion that the enlisting of young people formed any part of official policy unlike the recruitment of young people by armies in the postmodern world. At the beginning of the Great War the minimum age for enlistment in the Territorial Army was seventeen, compared with that of nineteen for the New Armies then being raised. It was therefore inevitable that the Territorial Force would contain a significant proportion of youths.<sup>53</sup> In addition to the fact that fraudulent enlistment carried with it the risk of prosecution, there is evidence that the

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<sup>49</sup> Zvi Heifetz, *The Spectator*, 2<sup>nd</sup> April 2005, p. 15.

<sup>50</sup> R. Van Emden, *Boy Soldiers of the Great War*, Headline, London, 2005, p.5.

<sup>51</sup> Second Lieutenant Reginald Battersby.

<sup>52</sup> See: J. Baynes, *Morale: A Study of Men and Courage: the Second Scottish Rifles at the Battle of Neuve Chapelle*, 1915, Cassell, 1967.

<sup>53</sup> C. Messenger, *Call to Arms, The British Army 1914-18*, Cassell, 2005, p. 75.



government was sufficiently concerned about inefficiencies that resulted from poor standards of training that the age of enlistment was altered in May 1915 from an age bracket of seventeen to thirty five and nineteen to thirty eight in order to counter the problem as it was then perceived.<sup>54</sup> In this regard the historical parallel ceases to apply, since such evidence indicates that official policy regarded the enlistment of young people as more of a hindrance than assistance in the war prosecution effort. Whether it can be said that the enlistment of young people to Islamic jihad will prove 'inefficient' to promoting the cause it espouses remains to be seen.

(iii). External Threats and the Wider Perspective (Defence Role 2: Insuring against External Threat)

Although the main threat to UK security in the postmodern world is likely to come from militant Islam recruited on the British mainland, consideration must be given to matters of wider international concern. It has been observed that the events of the 11<sup>th</sup> September 2001 brought about a watershed in the manner in which collapsed states came to be regarded as threats to the international community. Islamic terrorism in general had been waging a war against the west for at least twenty years commencing with the attack on US Marines in Beirut in 1982, against US troops in Mogadishu in October 1993, and an attack on the *USS Cole* in October 2000. Before the 11<sup>th</sup> September 2001 attacks on the US mainland the West regarded these outrages as examples of terrorist-criminal activity, but after 11<sup>th</sup> September 2001 regarded them for what they were: acts of asymmetric warfare.<sup>55</sup>

Collapsed and/or fragile states have routinely been characterised as a threat to international peace and security, particularly in UN Security Council resolutions authorising peace keeping missions,<sup>56</sup> in particular since they provide safe havens for transnational terrorist groups. A study by the *Association of the US Army and the Center for Strategic and International Studies* puts the matter thus:

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<sup>54</sup> C. Messenger, *ibid.*, p.76.

<sup>55</sup> A. Roberts, *A History of the English Speaking Peoples*, Harper Collins, 2007, p. 601.

<sup>56</sup> The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, Ottawa: International Development Research Centre, 2001.

‘One of the principal lessons of the events of September 11 is that failed states matter – not just for humanitarian reasons but also for national security as well. If left unattended, such states can become sanctuaries for terrorist networks with a global reach, not to mention international organized crime and drug traffickers who also exploit the dysfunctional environment. As such, failed states can pose a direct threat to the national interests of the United States and to the stability of entire regions.’<sup>57</sup>

The UK government subscribes to this view, and concern about collapsed states represents a particular feature of the post-Cold War era of which UK deployment in Iraq and Afghanistan are examples. In the case of Iraq, the military operation was intended as an attack on terrorism as part of what has come to be described as ‘the global war on terror’, to eliminate weapons of mass destruction pursuant to the widely held, although erroneous belief that Iraq harboured such weapons, and to establish a pro-American state within the Arab world.<sup>58</sup> In this context the UK experienced the incidence of child soldiers recruited by the Iraqi regime as a matter of state policy.

It is argued that the trauma of collapsed states and the interconnections of globalisation require our generation to recognise anew the nexus between governance, economics and security.<sup>59</sup> Afghanistan is an example of such a state. Collapsed states are likely to consist of poor populations, and it is clear that poorer children are more likely to be enmeshed in conflict than children living in well off societies. It has been pointed out that not only is their desperation typically higher, but there is a correlation between family dysfunction and lower socio-economic status.<sup>60</sup> In such cases children may never have known running water or basic amenity, and by the age of 10 many have no education and turn to the military or other armed groups as a means of supporting themselves. It is likely that future deployments will involve interventions in such states at the behest of the UN or otherwise and engagement with this new form of soldiery, at both a conventional and asymmetric level.

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<sup>57</sup> J. Hamre & G. Sullivan, ‘Toward Postconflict Reconstruction’, *Washington Quarterly*, vol. 25, no. 4, Autumn 2002, p. 85.

<sup>58</sup> M. Gordon & B. Trainor, *Cobra II, The Inside Story of the Invasion and Occupation of Iraq*, Atlantic Books, London, 2006, p. 497.

<sup>59</sup> R. Zoelick, *Fragile States: Securing Development*, in *Survival, Global Politics and Strategy*, Vol. 50, No. 6, December 2008- January 2009, IISS, Routledge, p.68.

<sup>60</sup> E. Cairns, *Children and Political Violence*, Cambridge, MA, 1996, p. 114-115.

Somalia is another such example, and one notorious as a haven for terrorist camps. It also represents an example of how radicalised individuals import terror to the UK, thus demonstrating the interrelationship between internal security challenges and external threats. It has been recently reported that up to a thousand foreign fighters, including Britons, have answered the call to jihad and are leading street fighting in Mogadishu.<sup>61</sup> What is especially a matter of concern is the fact that one of the insurgent groups operating within the country, al-Shabaab, has recently released a propaganda video by a British suicide bomber that ‘...welcomes and calls foreign fighters for jihad.’ *The Times* reports that foreign fighters bring religious fervour to this conflict and which helps radicalise many al-Shabaab militants, many of whom fight either under duress or for money.

Somalia, as a country, has often been dismissed in the past as marginal in the sense that little intelligence has been devoted to the country, and as a consequence reliable intelligence is scarce upon the subject of widely divergent interpretations of the threat of Islam.<sup>62</sup> Young, radicalised individuals, are at the centre of the threats posed to the incumbent government and the West, particularly in the context of Islamic schools that, in Mogadishu, may well play a future radical recruiting role in much the same way as the madrasses in Pakistan. Such institutions are undoubtedly socialising whole generations of young Somalis with conspiratorial views of world events, and although it is suggested that the real Islamic threat in Somalia may be at a stage of ‘incubation’, it is likely to manifest itself within ten or twenty years time.<sup>63</sup>

It may be the case that religious indoctrination and its ability to influence children to fight is a function of the immaturity of children in the first place. During the Iran-Iraq war, the Iranian regime employed such immaturity to the advantage of its army by sending thousands of children into battle. The Minister of Education reportedly stated in 1987 that ‘... 150,000 children or 60% of its ranks volunteered to fight.’<sup>64</sup> It is

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<sup>61</sup> *The Times*, 23<sup>rd</sup> May 2009

<sup>62</sup> K. Menkhaus, *Somalia: State Collapse and the Threat of Terrorism*, IISS, Adelphi Paper 364, Oxford UP, 2004, p. 69

<sup>63</sup> K. Menkhaus, *ibid.*, p. 64

<sup>64</sup> G. Kent, *Children in the Political Economy*, London/New York: Macmillan/St. Martin’s, 1995, p. 85; quoted in H. Brocklehurst, *op cit.*, p. 39

clear that this was only possible because children were manipulated into believing that this was a worthwhile exercise.

The use of children as soldiers in the developing world, and whether from the perspective of those the subject of formal enlistment into regular armed forces, or within the context of terrorist or quasi terrorist-recruitment, has changed the dimension of the battlefield. The end of the Cold War brought many of the problems of the Developing World much closer to the UK and the west, as rogue states continued to support unconventional wars and terrorist attacks that tended to undermine regional security.<sup>65</sup> Where UK forces have been deployed to deal with such threats, the presence of children represent an alien and ill defined feature.

## **UK Training**

It has been observed that a British soldier's job today is much more difficult and dangerous than it was in the last decades of the twentieth century.<sup>66</sup> If the context of this description was in the case of deployment in Afghanistan by the 3<sup>rd</sup> Battalion of the Parachute Regiment, it equally applies across the entire range of fighting tasks with which he must deal. Recent experience has demonstrated in the examples of deployments in Iraq and Afghanistan that they are more akin to counter insurgency operations, or at least in so far as they have developed, following the initial US led invasions to depose the incumbent regimes.

With regard to the position on the UK mainland, questions of engagement are more difficult. In the first place such forms of engagement that may be appropriate to meet any given threat can only be in support of the civil power. Whilst the modern army may enjoy an overwhelming superiority in terms of the application of force,<sup>67</sup> soldiers cannot rule, and in states where they do, they must do so either through civilian cabinets or else pretend to be something other than they are.<sup>68</sup> The UK has experience in the context of Northern Ireland with a long standing military deployment that, in

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<sup>65</sup> T. Hoyt, *Security and Conflict in the Developing World*, in *Grave New World, Security Challenges in the 21<sup>st</sup> Century*, ed. M. Brown, Georgetown UP, 2003, p. 217.

<sup>66</sup> P. Bishop, *op cit.*, p. xxv.

<sup>67</sup> 'Non est potestas super terram quae comparetur' ('may we not think likewise of the modern army'): title page of Hobbes's *Leviathan*.

<sup>68</sup> S. Finer, *op cit.*, p. 12.

legal terms, was expressly designed to aid the civil power. For obvious political reasons, this is not state of affairs any future UK government would wish to replicate on the UK mainland.

It may be suggested that the current training regime is sufficiently well based in order to cope with the phenomenon or as the phenomenon may develop in future conflicts, yet there are particular aspects of confrontation with children that are, by their nature, unique. As part of the research for this thesis and as part of the interviews of members of UK armed forces the soldiers were asked the following: -

2.1 'During the course of your training had it ever been suggested that you may be obliged to engage, as part of your operational duties, children or young persons?'<sup>69</sup>

2.2 'If the answer is yes, how did it feature as part of any training programme of which you were part?'<sup>70</sup>

The same questions were put to representatives of the US military<sup>71</sup>

I have summarised the results of the interviews within a schedule at Appendix E.<sup>72</sup> It is clear that in no UK case was any soldier ever subjected to a formal training regime in relation to this issue. At its highest, one soldier indicated that the prospect had featured in discussion only. In direct contrast to the UK position is the fact that in each US case, save one, the soldiers had been part of a formalised training regime on this issue. What conclusions are to be drawn? In the first place the field interviews confirm the information obtained from the interviews with Meyer, Jarvis and Le Grys: there are no formalised training programmes about engaging with children. Secondly, the US may be regarded differently since its size and deployment potential is very much larger than in the case of the UK, and as a consequence are more likely to encounter children than UK forces, and it is therefore easier to justify the existence of a training programme in cost terms.

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<sup>69</sup> See Draft Questionnaire at Appendix C, Question 2.1.

<sup>70</sup> See Draft Questionnaire at Appendix C, Question 2.2.

<sup>71</sup> See Draft Questionnaire at Appendix D, Questions 2.1 & 2.2.

<sup>72</sup> See Schedule of Interviewees at Appendix E.

**Interviews at the International Defence Training & Land Warfare Centre  
Warminster: 14<sup>th</sup>-15<sup>th</sup> March 2010<sup>73</sup>**

Of the three interviews I conducted each separately from the other on Day 1 and on Day 2 I held a plenary session comprising all three. It is to be noted that each officer was legally qualified and considered the problem of engagement from that perspective. Lt. Col. Klein was an American officer.

It was generally agreed that the problem of child soldiers was a feature of modern engagement, particularly in recent years in Iraq and Afghanistan and in relation to isolated examples on the African continent and in Northern Ireland. Stress was placed on the utility of the child in intelligence gathering exercises, albeit at a somewhat crude and basic level, their utility in the planting of IED's and their ability to move within a population relatively undetected.

From the UK perspective the incidence of her soldiers coming into contact with children recruited for the purpose of asymmetric or other warfare, it was still regarded as rare although a growing problem. Lt. Col. Klein, from the US perspective suggested that the problem was rather more entrenched and of relevance for US forces because of their wider deployment potential.

It was acknowledged that from the perspective of engagement and the law there was a potential for conflict, but, like other interviewees, neither the US nor the UK could afford to disregard international obligations whatever the exigencies of the situation for fear of the political fallout that may result. As to the issue of self- preservation and the right of a soldier to protect himself; the preference was to justify any action, be it retaliatory or otherwise, under the broad heading of Rules of Engagement as distinct from the law.

In the British case, no justification was recognised for implementing any modification to current training regimes in order to introduce any programmed specifically directed around child engagement.

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<sup>73</sup> Col. Juliet Bartlett (Col. Op. Law), Lt. Col. L Klein US Officer (SO1 Coordination Op. Law), Lt. Col. Davies (SO1 Op. Law).

## **Summary**

It is probably fair to observe that the military well recognise how warfare, its nature and future, is undergoing rapid change. It is also recognised that children are becoming part of that developing scene particularly from the perspective of militant Islam. The more difficult question is to consider when a tipping point is reached that calls on the military to reconsider and to recast its modus operandi. At present that position has not yet been reached.





## **CHAPTER 5: ENGAGING WITH CHILDREN: PSYCHOLOGICAL EFFECTS AND CONSEQUENCES.**

### **Soldier's Fear and the Child Dimension**

Writing during the middle of the 19<sup>th</sup> century, Tolstoy, in acknowledging his fascination with the subject of war expressed his particular interest thus:

‘... (an interest) in the reality of war, the actual killing. I was more interested to know in what way and under the influence of what feeling one soldier kills another than to know how the armies were arranged at Austerlitz and Borodino.’<sup>1</sup>

In this regard he is not alone, and over the past 100 years or so there have been numerous attempts to consider the soldiers’ role, the perception he may have of what his duty may entail, the fact of killing from various psychological perspectives, and the fact that fear and unwanted emotion invariably present obstacles to a soldiers fulfilling that duty.

Fear may become manifest in any number of ways and have different characteristics. Notwithstanding the oft quoted phrase that ‘Combat is the end toward which all the manifold activities of the army are oriented, however indirectly’<sup>2</sup>, and most soldiers conscripted or otherwise enlist with this truth in mind, being frightened of the uncertainty of being killed is common, and a normal and natural human response to the strain and horror of battle,<sup>3</sup> or the thought of what battle may be like by the uninitiated. There may be a fear of a failure to fulfil a soldiers’ duty; to let comrades or his family down, to fail in a military objective, the fear of being seen to be afraid<sup>4</sup> or a fear about how a soldier feels about his own abilities when put to the extreme test of battle. Much research has been conducted over the past century into this aspect of warfare, but one point emerges from the literature, and that is, perhaps for obvious reasons, that the research has been predicated upon the premise that one soldier will engage another soldier; one army will engage another army in the conventional sense,

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<sup>1</sup> Quoted in E. Greenwood, *Tolstoy: the Comprehensive Vision*, London, 1975, p. 29.

<sup>2</sup> S. Stouffer, *The American Soldier, Vol. II Combat and its Aftermath*, Princeton, 1965.

<sup>3</sup> B. Shephard, op cit., p. 234.

<sup>4</sup> N. Copeland, *Psychology and the Soldier*, London, 1942, p. 75.

whilst circumstances which do not fit the cognitive schemes of conventional forces are, to a greater or lesser extent ignored. This is not some arcane academic point, since it follows that training regimes are universally designed around the same premise. The question that I pose is this: if it is demonstrated that a psychological reaction is a possible consequence arising from child engagement, does not a training regime avoid such a confrontation at its peril? It can be further argued that troops thus exposed to such a novel form of warfare are ill equipped to conduct themselves in the most effective manner without, at least, awareness of the problem.

Historically, the army has not always been sympathetic to those who openly express or manifest fear, even to the extent of causing or inducing what was once termed 'shell shock', or 'neurasthenia'. The army had a tendency to equate fear with cowardice.<sup>5</sup> Indeed, the battlefields of the Great War became a testing ground for the previous century's social and technological advances as larger and healthier populations fought with larger and more destructive weapons.<sup>6</sup> The result, according to the Official History was that from September 1914 until December 1917 a total of 28,533 cases of shell shock were reported as battle casualties in France.<sup>7</sup> Awareness and development of psychological science depended necessarily upon doctors and scientists responsible for advising the military. Yet the difficulties that beset the profession quite apart from the dissemination of a complex and controversial discipline presented other and more practical problems. In the first instance pre-war doctors had no training in the kind of trauma war could cause.<sup>8</sup> Treatment of psychiatric casualties was haphazard, and relied upon volunteers in order to fill a gap in the availability of appropriate skill.<sup>9</sup> There also existed a great suspicion amongst the military hierarchy of mental trauma; a suspicion shared by many medical officers themselves. Dr. Harold Dearden relates that most doctors were out to prove that there was nothing wrong with men who reported sick, especially when their units were in or

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<sup>5</sup> See for e.g. the comment by George S. Patton (1943): 'Cowards are those who let their timidity get the better of their manhood'.

<sup>6</sup> P. Leese, *Shell Shock, Traumatic Neurosis and the British soldiers of the First World War*, Palgrave Macmillan, 2002, p.25.

<sup>7</sup> W. MacPherson, *Official History of the War – Medical Services, Diseases of the War, Vol. 2*, HMSO, 1923, p. 7.

<sup>8</sup> I. Whitehead, *Doctors in the Great War*, Leo Cooper, 1999, p. 169.

<sup>9</sup> E. Jones, *Doctors and trauma in World War One: the response of British Military Psychiatrists*, Manchester UP, 2004, p. 92.

near the trenches,<sup>10</sup> whilst the suspicion was fuelled by pre-war conceptions of trauma or shell shock as it later became known, being a metaphor for unmanly behaviour and the image of the incomplete man.<sup>11</sup>

Even the fact of being admitted to psychiatric treatment risked bringing shame on a family. Barham, in his book *Forgotten Lunatics of the Great War*, points to the example of the reaction of a Lance Corporal Morris's father, a former NCO with 30 years service which captures the meaning that 'unmanly behaviour' had for the military establishment, who on learning that his son had been admitted as an inmate of D Ward (Imbecile) Netley Hospital disclosed to the commanding officer that he had been 'painfully surprised' to find his son as a such an inmate, and '...had questioned his son very closely to try and arrive at some solution concerning his present state of mind.'<sup>12</sup>

Attempts at considering problems of fear that may incapacitate a soldier had an inauspicious beginning. Writing in 1910, Dr. Thomas Glynn, Professor of Medicine at the University of Liverpool commented: 'When I was a student, neurasthenia was not recognized, and hospital patients who exhibited no signs of organic disease ... were usually set down as malingerers.'<sup>13</sup> Over the course of the last century, it is possible to trace the development of our understanding of nervous disease from this position to modern medical responses to trauma and to war.<sup>14</sup> Indeed in his now classic work *The Face of Battle*, John Keegan points out that '... it is only since the beginning of this century (20<sup>th</sup>) that armies have been taught to accept that courage and cowardice are not alternative free choices that come to every man, overriding all emotional stress, that a man cannot simply choose which he prefers... it was only with the greatest difficulty that even an army so comparatively humane in spirit as the British was led to think differently.'<sup>15</sup>

The motivations behind such attempts have varied. It is well established that fear, which is a normal human emotion designed to protect the individual from danger,

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<sup>10</sup> H. Dearden, *Medicine & Duty*, Heinemann, London, 1928, p. 47

<sup>11</sup> G. Mosse, Shell Shock as a social disease, *Journal of Contemporary History*, 35, 2000, pp. 101-8.

<sup>12</sup> P. Barham, *Forgotten Lunatics of the Great War*, Yale UP, 2004, p. 49.

<sup>13</sup> T. Glynn, The Traumatic Neuroses, *The Lancet*, 1910, Vol. 2, p. 1332.

<sup>14</sup> B. Shephard, *op cit.*, p. 396.

<sup>15</sup> J. Keegan, *The Face of Battle*, Pimlico Military Classics, 2004, p. 327.

may have dangerous inhibiting consequences for the fighting man, notwithstanding the fact that most soldiers experience fear during or before battle, what vary are its physical manifestations, its nature and intensity, the threat which induces it and the manner in which it is managed.<sup>16</sup>

What is striking about these various attempts is the stress which is laid upon the effects on soldiers who have cause to engage other soldiers, particularly at the conventional level. In terms of prevention and control, the favoured method, not unsurprisingly, is set within a typical framework of training, self discipline and morale. It has been pointed out that at a human level; armies resemble the authoritarian family group. Just as the ethos of an upper class Victorian family forbade aggression by a child towards its parents, it encouraged organized aggression in the context of organized pursuits. Similarly, the Army is at pains to punish insubordination towards a superior, but seeks to reward aggression against an enemy.<sup>17</sup>

The function of training is various. What is common, however, to all armies is that military success will depend upon training and its quality. Martin van Creveld points out that ‘... in any military education, the first indispensable step is to physically isolate youngsters from ordinary society, its customs, its temptations and the myriad ties by which its members are held together.’<sup>18</sup> Sometimes it is said that the purpose is to stifle individuality and to inculcate the habit of automatic obedience.<sup>19</sup> Of course in a modern society such as that which pertains in the UK, and which has a small professional army based upon volunteers, all of whom, to a greater or lesser extent have some education and all are exposed to external influences such as are to be found in the media, the problem arises as to what extent, if at all, it is possible to inculcate a doctrine based upon automatic obedience and to what extent that is even desirable in a modern fighting force. Indeed, it is unlikely to be possible to eradicate a respect for human rights to which we are all exposed, and which forms part of a soldiers’ training, and probably impossible to eradicate such a respect embedded as it is within a western culture. Of course, it is not suggested that military training invites

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<sup>16</sup> R. Holmes, *Acts of War, the Behaviour of Men in Battle*, Cassell, London 1985, p. 204.

<sup>17</sup> N. Dixon, *On the Psychology of Military Incompetence*, Jonathan Cape, London, 1976, p. 143.

<sup>18</sup> M. van Creveld, *op cit.*, p. 47.

<sup>19</sup> See J. MacCurdy, *The Structure of Morale*, Cambridge UP, Cambridge, 1943, p. 56.

trainee soldiers to disregard the law or respect for the rights of others; indeed the contrary is the case as Brigadier Le Grys was at pains to stress, but there is an inevitable tension between a soldier being taught the virtue of automatic obedience to the military endeavour, with soldiers who may be educated in the virtues of exercising a discretion subject to the structure of command. It has been pointed out that there is a major problem with the idea of automatic response, since there are, in fact, only a limited number of routine actions that can be taught.<sup>20</sup> As Samuel Stouffer points out in his book on the attitudes to servicemen in the Second World War:

‘Most types of danger situations in combat require varying responses, depending upon the particular mission the man was assigned to carry out, the protective resources which happen to be available in his immediate vicinity, and other highly specific characteristics of the particular situation in which the danger occurs.’<sup>21</sup>

As Joanna Bourke observes, it was for this reason that what she describes as ‘automatic training’ was less important than training men to obey orders immediately and even, if necessary to make their own judgment.<sup>22</sup>

All soldiers are obliged to apply the law of armed conflict when the armed forces of a state are in conflict with those of another state or are in occupation of territory.<sup>23</sup> It follows, therefore, that a genuine question arises when troops are either asked to engage children or become confronted with such a phenomena, the extent to which current and conventional training equips a soldier to fulfil his military duty in such circumstances given that such engagements are outside the cognitive framework of not only regular forces but also their training and current legal regimes.

There are historical parallels which may illustrate the point. Holmes points to the fact that the death or wounding of a woman in battle may have a disproportionately large

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<sup>20</sup> J. Bourke, *Fear, A Cultural History*, Virago, 2005, p. 213.

<sup>21</sup> S. Stouffer, *op cit.*, p. 222.

<sup>22</sup> J. Bourke. *op cit.*, p. 213.

<sup>23</sup> See The Manual of the Law of Armed Conflict, UK Ministry of Defence, Oxford UP, Oxford, 2005, Ch. 3, The Applicability of the Law of Armed Conflict, para. 3.1, p.27. Note, if an armed conflict exists between the armed forces of a state and dissident or anti-government or between factions within a state, Common Article 3 of the Geneva Convention applies. If the dissident force occupies sufficient territorial control as to enable them to carry out sustained and concerted military operations then Additional Protocol II applies in addition to Common Article 3, see para, 3.5, p. 31.

effect upon male soldiers.<sup>24</sup> He cites the widespread feeling of regret when a Viet Cong nurse was shot and mortally wounded;<sup>25</sup> and the belief, held by many women, that armies deprive women of their individuality and assigns them to what are often humble duties.<sup>26</sup> If such is the consequence of the involvement of women, the point is all the greater when it comes to children who happen to become involved in conflict. A moving account of such a phenomenon is given by Michael Witowich of the US Marine Corps who was present during the landings at Saipan in June 1944. He records that significantly it was not just Japanese soldiers and sailors who killed themselves but civilians as well, including thousands of women and children: 'They would get the child in their arms and they'd bend over and jump off the cliff ... you could hear the screaming of the children on the coral ... seeing the children leap to their deaths he shot the children as they went down so they wouldn't suffer when they hit the coral. I used to think in my dreams if it was right for me to do that.'<sup>27</sup>

There exists within the specialist literature, a wealth of material from varying perspectives about the effects of battle and conflict upon soldiers and indeed upon civilians who come within the purview of conflict, and methods of dealing with and/or confining the problem. Many of the ideas were developed after the Great War and those of Fuller became influential suggesting that slow indoctrination was the key to successful training based upon what he termed 'crowd theory' and 'instinct theory'.<sup>28</sup> Indeed, the classic study *Psychology for the Fighting Man* (1943) was instrumental in promoting the place of psychology within the military.<sup>29</sup> What is, however, less developed, and what is suggested to be a significant lacuna in current training and doctrine is the lack of material which exists in order to equip soldiers for the child enemy which are not only features of modern fighting in the post Cold War

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<sup>24</sup> R. Holmes, op cit., p. 104.

<sup>25</sup> R. Holmes, ibid, p.104, citing T. O'Brien, *If I Die in a Combat Zone*, London, 1973.

<sup>26</sup> R. Holmes, ibid, p.105, citing C. Enloe, *Does Khaki Become You? The Militarisation of Women's Lives*, London, 1983.

<sup>27</sup> L. Rees, *Horror in the East, The Brutal Struggle in Asia and the Pacific in WWII*, BBC Books, 2001, pp. 179-180.

<sup>28</sup> J. Fuller, 'The Foundations of the Science of War', *Army Quarterly*, Vol. 1, October 1920-January 1921.

<sup>29</sup> E. Boring & M. Van de Water, *Psychology for the Fighting Man*, Washington, 1943.

era, but which increasingly form part of a fighting force on the ground where the distinction between civilians and combatants is anything but obvious.<sup>30</sup>

The problem, as I define it, is that whilst the Army may be adept to a greater or lesser extent in training its troops to meet the practical demands of war in terms of weapons training and military ethos, it is perhaps less adept in training forces for conflict against an unconventional enemy. In this regard, it is the fighting of a child which presents the real challenge. Whilst this may be an unpopular view in military terms, and is not to suggest that the Army is anything other than skilled and trained in many forms of sub conventional warfare and counter insurgency operations, it is suggested that the absence of a formal training programme provides some evidence to suggest the contrary.

### **The Objective of a Soldier**

This thesis has considered the perspective of the soldier who suffers from fear engendered by the dangers which are incidental to his being involved in conflict. There is, however, an altogether more complex set of psychological characteristics which may arise from a soldier being involved in fighting a cause with which he either has reason to question; or, alternatively, a cause which may not command support from a general public upon whose behalf he is purportedly fighting, or, as the case may be, both. In this instance, the problem becomes more complex, since the considerations are less do with a threat to the soldiers life, but involve the soldier questioning the role he is obliged to perform in terms of its ethical or legal legitimacy.

The point may be illustrated by example. An important question said to emerge from the Falklands Campaign arises from the contrast between the small number of psychiatric casualties initially reported and the substantial numbers later alleged.<sup>31</sup> Very few cases of battle shock were reported with the initial figure for psychiatric

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<sup>30</sup> See P. Castano, 'The Categorization of People as Targets of Violence', in *Anthropology and Global Insurgency*, eds. J. Kelly et al., Ch. 3, p. 53.

<sup>31</sup> L. Freedman, *The Official History of the Falklands Campaign*, Vol. II, War and Diplomacy, Routledge, London, 2005, Ch. 48, Lessons – Long-term effects, p.731.

casualties being put at 2% of all wounded, although later to be suggested at 8%.<sup>32</sup> There may be a number of factors instrumental in this result, but morale may have been high as a consequence of involvement in a successful campaign involving short battles conducted by elite units and enjoying public support.<sup>33</sup> During the course of my research upon an earlier topic,<sup>34</sup> I had occasion to conduct a series of interviews with representatives of the Royal Marines at CTCRM Lympstone over the period 10<sup>th</sup>-11<sup>th</sup> May 2007, and the issue I have just defined arose with particular reference as to how morale can be maintained and how fear can be controlled through the medium of training. During one such interview with Lt. Col. Richard Walker,<sup>35</sup> a veteran of the Falklands conflict, he was eager to stress the significance of having fought a successful campaign, having a clearly defined aim was of immense benefit to assisting the recovery of many of those adversely influenced by the effects of battle, and, in his judgment was the decisive factor in the suppression and/or the management of fear. In making this judgment, the officer does not seek to devalue the relevance of other factors, including the significance of a close bonding formed during the long sea voyage home which gave combatants time to readjust and the importance of high quality training, but the low level of psychiatric casualty must surely be as a consequence of more significant factors which he was able to identify.

In classical terms concepts which have underlain military strategy have remained constant for 2,500 years conditioned by what commanders are able to accomplish through tactical and logistical conditions.<sup>36</sup> In short, most commanders had the option of attacking each other or indirectly attacking each other's supplies; or of defending or pursuing the offensive by raids or by risking battle and following a persisting strategy to protect their own or engross their adversary's territory. Whilst it is easy to state the conceptual drawn in classical terms and to observe that they may be true today as they were true throughout history, such definitions pay no regard to developments in our understanding of the psychology of warfare, how attitudes to

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<sup>32</sup> J. Price, 'The Falklands: rate of British psychiatric casualties compared to recent American wars'. *Journal of the Royal Army Medical Corps*, 1984; 130:109-113, quoted in L. Freedman *ibid*.

<sup>33</sup> L. Freedman, *ibid*.

<sup>34</sup> M.Sc. in War and Psychiatry (Institute of Psychiatry – 2007). Dissertation entitled: How has the awareness and development of psychological science influenced the manner in which men are conditioned for battle over the period 1900-1990?

<sup>35</sup> OC Officer training at Lympstone

<sup>36</sup> A. Jones, *The Art of War in the Western World*, Illinois UP, 2001, p. 662



participation in conflict may alter in relation to social change, how soldiers come to be influenced by the societies and their education systems from whence they are drawn and particularly in the context of all volunteer armies of which the UK is an example.

It may be argued that the individual understanding of any soldier is irrelevant to the military contract: soldiers are obliged to fulfil that contract pursuant and subject to the receiving of lawful military orders. I would contend that this is a short sighted view which fails to take into account the impact of social change, the psychological impact of conflict on the human frame, the emergence of new enemies deployed in different forms and the reality of the modern world in which they are obliged to operate.

This chapter thus far has considered the question of objective from the narrow perspective of engagement in the strict and classical sense of that term. There is, however, a broader context in which the issue may be considered, and that is in relation to a soldier questioning the basis of the cause upon which he is engaged; a matter that has a special relevance to the child soldier question, since it is suggested that there may be a causal connection between the engagement of such an enemy and an adverse psychological reaction.

The point at issue has a long historical pedigree. At the conclusion of the Great War, and at home, morale was shored up by the belief in the value of sacrifice and has been described as ‘the reflected pride’ which it bestowed on those who survived. The Foreign Secretary at the wars’ outbreak, Sir Edward Grey, was to remark: ‘None of us who give our sons in this war are so much to be pitied as those who have no sons to give.’<sup>37</sup> On Armistice Day, Lloyd George at a speech in the Guildhall spoke of ‘...the unity of effort, sorrow, and sacrifice ...we have a brotherhood of joy. Let it not end there. We sank all our sectional interests, all partisan claims, all class and creed differences, in the pursuit of one common purpose’. Such patriotism, it was hoped would continue to unify the nation throughout the challenges of future years.<sup>38</sup> The

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<sup>37</sup> Quoted in J. Nicholson, *The Great Silence 1918-1920, Living in the Shadow of the Great War*, John Murray, London 2009, p. 25.

<sup>38</sup> Quoted in J. Nicholson, *ibid.* p. 40. See also R. Van Emden, *The Quick and the Dead, Fallen Soldiers and their Families in the Great War*, Bloomsbury, London, 2011, esp. Ch. 3, ‘Home and Away’, pp. 81-88.

point here is that representatives of the government were seeking to explain the sacrifice which the nation had just endured, not so much as a means of justification of slaughter, but more in terms of praying in aid the righteousness of the cause and the means employed for achieving it. If this is the position in relation to a nation at war, then this is not so very different from an individual soldier being content with the cause for which he is fighting and the means by which it is brought about. Paul Fussell makes the point that a vast literature has been produced in the attempt to bring the Great War into line with other wars by highlighting its so-called battles by such impressive names as Verdun, Somme and Passchendaele. This is a vain attempt to place a structure and meaning to what was, at best, a stalemate over the period four years and three months.<sup>39</sup>

During 1925 the University of London sponsored a series of lectures with the title *The Study of War for Statesmen and Citizens*, the purpose of which was to indicate to the general public the extent to which war had become a matter, not for military specialists, but for society as a whole.<sup>40</sup> Howard makes the point that the Second World War that was soon to follow awoke an interest in the relationship between war and social change and which brought social involvement in belligerent activity to a new level of intensity by eliminating the distinction between 'front line' and 'base'.<sup>41</sup> Even in the context of the Great War the distinction was established as with the European wars of the seventeenth century, yet different pressures upon social change were brought about by a front that was characterised by the fact of occupation in continental Europe and the Soviet Union and the realities of aerial bombardment in which the totality of society became involved. If such is the case, it must follow that an obligation is placed upon any government to mobilise and carry any given population in pursuit of an objective or wider war aim. Notwithstanding the Soviet Union was a totalitarian state, it is arguably the case that the campaign in Soviet Russia in WW II is the best example of how the ordinary Red Army soldier came to be motivated and to be 'psyched-up' for the break in into Germany. Bellamy notes: 'Liberating the motherland was no longer an issue. This was, at its best and most

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<sup>39</sup> P. Fussell, *The Great War and Modern Memory*, Oxford UP, Oxford, 1975, p. 9.

<sup>40</sup> Sir George Aston (ed.), *The Study of War for Statesmen and Citizens*, 1927, quoted in M. Howard, 'Total War in the Twentieth Century: Participation and Consensus in the Second World War', in B. Bond & I. Roy (eds.), *War and Society, A Yearbook of Military History*, Croom Helm, 1975, p. 216.

<sup>41</sup> M. Howard, *ibid.*, p. 216.

dignified, conquest. However to motivate the ordinary soldier, who, it was believed did not think much beyond the next meal and sleep that would not do... Vengeance became the theme, stressed over and over again, with lurid tales of what the Germans had done to their people, and encouraged by the political officers backed up by Russia's writers ... 'the soldier's rage in battle must be terrible. He does not merely seek to fight; he must also be the embodiment of the court of his people's justice.'<sup>42</sup>

What lessons are therefore to be drawn? Fundamentally, whilst objective can be viewed in the narrow sense of the term as the means by which soldiers are brought to battle in the most effective manner in order to defeat an enemy; the means by which a soldier and, for that matter, a nation state can be motivated in order to sustain an objective is altogether a more difficult and wider question. The definition of a righteous cause supported by a populous may be important; the means employed to fight; the perception of an individual or collective threat; the legality of the enterprise upon which a soldier is engaged; the quality of the training undertaken; the nature of an enemy and how that enemy comes to be defined are factors which undoubtedly influence morale, and ultimately outcome in terms of a successful operation with minimal casualties and psychological fallout. It is suggested that psychological questions are to be found at their very core, factors which may have been ignored in terms of rather more obvious factors such as operational readiness and physical capability.

## **UK and US Forces – Research**

### **(i). Method**

In order to test this question in the context of child soldiers and issues arising from their engagement by regular forces, I conducted a series of 7 targeted interviews with members of the armed forces in the US and the UK. Some were serving and others had retired. 4 were commissioned and serving whilst 3 were non-commissioned and retired. Each person selected had significant military service: the longest 30 years and the shortest 6 years; all had experience of combat, and 2 had engaged and shot a

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<sup>42</sup> C. Bellamy, *Absolute War, Soviet Russia in the Second World War*, Pan Books, 2008, pp. 638-639, citing Bundesarchiv, RH-2-2467,82.

child in combat. Each soldier was and remains anonymous, and are referred to as Soldiers A-G respectively. The research was necessarily qualitative, and is intended to gauge, with the assistance of admittedly limited samples, the extent to which, if at all the presence of children on a battle field influences the manner in which a soldier carries out the tasks he is assigned. It is not suggested, nor could it be suggested that the survey is necessarily representative of the Army as a whole, but it is contended that the attitude and approach of long serving members of the military can be assessed upon rather more than mere anecdotal evidence. An attempt was also made to detect whether the topic has a profile in any relevant training regimes, and to what extent. This has been made the subject of comment in an earlier chapter.

It is further suggested that a comparison with US military is useful having regard to the fact that the training of the US is similar to that which pertains in the UK; and that its personnel are drawn from an all volunteer base in order to form a professional armed forces. Of greater significance is the reality that the US, like the UK, is a democratic nation having similar cultural backgrounds and legal conventions. The latter point is of special relevance in the context of utilising young people to fight adult wars. Both nations have well developed child welfare programmes within their own domestic legislation and are both signatories at an international level to the UN Convention on the Rights of the Child,<sup>43</sup> and the Optional Protocol<sup>44</sup>.

As I have already made comment upon in this thesis,<sup>45</sup> there is little that is new in the very concept of ‘a child soldier’, and there exists many examples throughout his history of children who have been involved directly or indirectly in armed conflict. In order to provide an historical perspective I have had occasion to examine examples contained in the Oral History Archives of the Imperial War Museum (‘IWM’) considering the topic of Members of the Hitler Youth who became involved in many engagements at the conclusion of the Second World War<sup>46</sup>. The historical context is of course, very different. In the first instance the cause for which allied soldiers were fighting, particularly at the end of the War was defined to the extent that the Hitler

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<sup>43</sup> Article 1, para. 2/2 of the First report to the UN Committee on the Rts. of the Child, HMSO, February 1994, p. 14

<sup>44</sup> Optional Protocol to the Convention on the Rts. of the Child on the Involvement of Children in Armed Conflict, 2000, ILM 1286, 1287 (2000) (Article 2).

<sup>45</sup> Ch. 1, Introduction

<sup>46</sup> Research Dates (Visits to the IWM): 1<sup>st</sup> – 3<sup>rd</sup> August 2012

regime, in most people's eyes, was the embodiment of evil and in respect of which no compromise could be countenanced; whilst the employment of children in pursuit of the Hitlerite cause was merely another example of a brutal regime employing brutal and unacceptable methods in the prosecution of a war which it created. In the second instance, it may be argued that the employment of children represents, amongst a catalogue of many diverse criminal acts of which Hitler was the architect since 1933, a relatively benign turn of events ( for example the use of children) in comparison with other matters, and not least the destruction of European Jewry, and which was to sear the mind of humanity and history.

An analysis of the Hitler Youth contributes to an understanding of the child soldier issue in the following ways: -

- (1). It extends the data base across a significant part of the 20<sup>th</sup> century, and covering the Second World War;
- (2). Members of the Hitler Youth were examples of enlisted soldiers, in other words not part of a terrorist or other non enlisted grouping, which had as their essential purpose that of engaging with allied troops, particularly in the closing stages of the War;
- (3). Engagement with the Hitler Youth presents a modern example of enlisted soldiers experiencing a form of combat, or more particularly, opposition in combat, which was unusual or otherwise outside their ordinary experience, contemplation and/or training;
- (4). It is generally accepted by historians<sup>47</sup> and those who have engaged such unusual soldiers<sup>48</sup>, that the performance of the Hitler Youth in battle was exceptional, and marked by a ferocity and effectiveness beyond either the experience of regular forces or their expectations. There may be a special set

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<sup>47</sup> See R. Evans, op cit., p. 721; W. Shirer, *The Rise and Fall of the Third Reich*, Arrow Books, 1998, p. 1130; I. Kershaw, op cit., pp. 310-311.

<sup>48</sup> See C. Wilmot, op cit., p.616; N. Hamilton, *The Full Monty, Montgomery of Alamein 1887-1942*, Allen Lane, London, 2001, p.653; J. Toland, *Adolf Hitler*, Doubleday, 1976, p.404; H. Trevor-Roper, *The Last Days of Hitler*, Papermac, London, 1995, p. 193; H. Koch, op cit., p.249; C. Whiting, *The Battle of the Ruhrpocket*, New York, 1970, p.86; I. Kershaw, *Hitler 1936-1945, Nemesis*, Penguin, London, pp.790-791.

From the perspective of how the Reich leadership viewed the Hitler Youth and their fighting qualities see *The Goebbels Diaries*, (ed. H. Trevor-Roper), Bookclub Associates, London, 1978, especially the diary entry for 3<sup>rd</sup> April 1945, pp.304-305. For a more sceptical view of the use of children in guerrilla style or 'Werewolf' tactics see A. Speer, *Inside the Third Reich*, Sphere Books, London, 1971, pp. 626-627.

of reasons and/or context which produces this result, but it nevertheless is illustrative of the kind of result that may be achieved given appropriate motivation and or training.

(5). The extent to which the advent of the Hitler Youth was responsible for altering the strategic direction of the war is more debatable. It is undoubtedly the case that their deployment in strength towards the end of the war was at a time when the war was already lost having regard to Allied gains and the irreversible strategic reverses of the Reich. It is also suggested that remarkable although some of their engagements were in a tactical sense, they were unlikely to have made a difference whether on their own account or in conjunction with regular soldiers. Of interest are the views of General Elfeldt in discussion with Liddell Hart when asked to compare discipline in the two wars in which Germany had been involved. He was of the opinion that National Socialism made the troops more fanatical, which was both good and bad for discipline. National Socialism made so strong an appeal to the herd instinct, the natural assumption was that the generation which grew up under it would show less, not more, individual initiative on the battlefield than their fathers. When asked for an explanation Elfeldt added: 'I think it may have been due to the kind of scout training these young soldiers had received in the 'Hitler Youth' organisation.'<sup>49</sup>

The material is presented by way of a commentary cross-referenced against selected examples drawn from the archive.

### **Interviews (Summaries)**

The interviews are summarised in this section from each interview. Each soldier is referred to by way of letter as opposed to name and the completed questionnaires are attached at Appendix E.<sup>50</sup>

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<sup>49</sup> B. Liddell Hart, *The Other Side of the Hill. Germany's Generals Their Rise and Fall, With Their Account of Military Events 1939-1945*, Cassell, London, 1951, pp. 425-426. See also R. Overy, *The Dictators, Hitler's Germany and Stalin's Russia*, Konecky & Konecky, 2004, p. 463, esp. passage on preliminary military training, emphasis upon discipline and labour service.

<sup>50</sup> Appendix E.

(1). Soldier A.

UK Commando NCO with 11 years experience in a Combat role now retired. This soldier has served on a variety of operations including those in Afghanistan (Operation Jacana), Iraq (Operations Telic 1 and Telic 2) and Northern Ireland (Operation Banner). He had not engaged a child/children and had not undertaken any formalised training programmes, although was aware that the subject had been discussed in informal arrangements.

As to the fact of any engagement, this soldier did not consider that it made any difference to his role as a soldier from a psychological perspective, in that he would engage a child on the same basis as any other engagement, although agrees that a child is more vulnerable than an adult (and therefore requires protection in a manner that an adult would not). As a consequence, this soldier would feel worse about shooting a child than an adult, but believes that a child when armed presents more of a threat than a similarly adult.

It is noted that Soldier A is a family man with 2 children. The significance of this fact and whether or not there is a correlation between attitudes to engaging children is influenced by the fact that an individual soldier has a family of his own is dealt with by way of a separate analysis.

(2). Soldier B.

UK senior NCO of 26 years experience in a combat role now retired. This soldier has served in Afghanistan (Operation Herrick 8), Iraq (Operations Telic 3 and Telic 7), Bosnia and Kosovo (Operation Oculus), the Gulf (Operations Granby and Calash), Kosovo (Operation Agricola) and Northern Ireland (Operation Banner). He has experience of engaging a child in combat in the context of Iraq (assessed as about 14-15). The child was operating with 2 other adults and was engaged in firing at an infantry patrol. The child was shot and killed as he ran from a building with the other 2 individuals. It is noted that no training programme was provided as part of this soldier's service

As to the fact of engagement, this interviewee recognises that, as part of his service, he may experience a conflict between what he describes as his 'natural instincts and moral codes' and what he may be required to perform as part of his military contract. This is rationalised by the importance of 'attachment' to fellow soldiers and the safety of those under his command. In other words, this soldier provides evidence of the fact that the military contract and the importance of comradeship may diminish the importance of convention. He agrees that children are vulnerable although strongly asserts that an armed child presents more of a threat than a similarly armed adult, and should be met in the same manner as any other threat.

This soldier has no children.

### (3). Soldier C

UK senior NCO of 30 years experience in an engineering role now retired. He had served in Afghanistan (Operation Herrick 7), Iraq (Operation Telic 1), Bosnia (Operation Resolute), the Gulf (Operation Granby), Northern Ireland (Operation Banner) and Oman (Saif Sareea). He has had no experience of engaging a child and has received no training in issues which may arise as a consequence of engaging with children, nor indeed has it ever been suggested that he may have to so engage as part of any operational deployment. This assertion perhaps requires a qualification, since I conducted an oral interview with Soldier C who explained that in the context of Northern Ireland he had confronted children who were suspected of acting as decoys and cover for others who had planted bombs of various kinds to which regular troops were drawn.

As to issues of engagement, Soldier C strongly agrees that children are vulnerable and need to be protected, although strongly disagrees that that they present more of a threat than a similarly armed adult. He perceives that any engagement with a child would make no difference as to how he perceives his military role.

This soldier has no children.



(4). Soldier D.

Regular Officer in the US Army of 13 years experience in a combat role presently attached to the US Army Special Operations Command, Fort Bragg, North Carolina and in the rank of Major. He had served in Iraq (Operation Enduring Freedom), and in Latin America. Whilst this officer had no direct experience of engaging a child, the fact of child engagement had featured in a training programme.

As to issues of engagement, the officer did not consider that it would make any material difference as to how he perceives his military role, on the footing that any threat needs to be treated as a threat from whatever source that threat may emanate. He is of the view that armed children present more of a threat than an armed adult simply because many people may hesitate to engage a child if threatened, although tends to agree with the suggestion that children are vulnerable and need to be protected.

This soldier has 2 children.

(5). Soldier E.

Regular Officer in the US Army of 16 years experience presently attached to the Naval Postgraduate School in the Rank of Major. He had served in Afghanistan and in Iraq as part of Operation Enduring Freedom. This officer had no direct experience of engaging a child and had been part of no training programme in which child engagement had ever been made the subject of discussion.

Similar to the statement of Soldier D this officer would respond to a threat in any such way as the threat needs to be met and whether or not the threat came from a child, although it is noted that he merely 'agrees' that this would be the case as opposed to 'strongly' agreeing. Unlike Soldier D, this officer strongly agrees that children are vulnerable and need to be protected, although agrees that children when armed present more of a threat than a similarly armed adult.

This soldier has 4 children.

(6). Soldier F.

Regular Officer in the US Army of 16 years experience in a combat role and presently attached to Seal Team 8, Little Creek, Virginia. He had been deployed in Iraq (Operation Enduring Freedom) and in counter terrorist operations. This officer had direct experience of engaging a child in Iraq when he engaged, shot and killed a 12-14 year old boy manoeuvring with two older men.

This officer had specific knowledge about the possibility that he may be required to engage a child as part of combat duties, it being so suggested as part of his training. The upshot of that training was to inculcate a disregard for the fact of youth when children are engaged in combat. This soldier 'strongly agrees' that children are vulnerable and need to be protected, although disagrees that the child presents more of a threat than a similarly armed adult. Given the background of this officer it may be the case that in the event of a person's age, or the fact of youth, are totally ignored, as is suggested by his answers, it is predictable that he concludes that children do not present more of a threat than an adult. Accordingly, the significance of a threat from a child may only be of significance where age and youth are taken into account in the mind of the combatant.

This soldier had 3 children.

(7). Soldier G.

Regular Officer in the US Navy of 6 years experience in an Intelligence role attached to the US 5<sup>th</sup> Fleet (Operational Staff) in the rank of Lieutenant. He had been deployed in Iraq (Operation Enduring Freedom). This officer had not been invited to take part in any training programme centred upon child engagement, although is aware of training programmes in which the subject has featured, and has not been in any engagement which involved children.

Similar to other colleagues, this soldier regards a child as a threat irrespective of the fact that the child is a child, although whilst he agrees that children are vulnerable and

need to be protected, he disagrees that, when armed, they present more of a threat than a similarly armed adult. Any attack from a child soldier would be responded to in the same manner as any other soldier.

This soldier has 3 children.

### **Analysis.**

By way of summary, and to aid comparison, the results of the survey are set out within the following table: -

Upon a comparative basis, there is much which is common to all the soldiers' who were the subject of interview, and which, it is suggested arises from their common cultural backgrounds, most particularly the fact that in broad terms children are vulnerable and require protection. This is probably no more than a statement of what most people would perceive as a product of common humanity across Western populations.

It is worthy of comment, however, that in relation to those 2 soldiers who have engaged and shot a child (Soldier B and Soldier F), they suggest, in contrast to other interviewees, that they would not feel worse about shooting a child than a similarly armed adult. From this limited sample, it is difficult to escape the conclusion that their own experiences in actually shooting a child have shaped that opinion as a form of justification for that act; indeed it would be difficult to believe otherwise. Equally, as to the remainder, the fact that they have not been so engaged, has shaped their opinions to the contrary. Does it however mean that the 2 soldiers who have engaged children, have experienced a psychological reaction to this fact? It is of course difficult to say, but it should not necessarily be thought that for a psychological reaction to be manifest, the reaction needs to be adverse to the person concerned. This is clearly not the case, and it may equally be argued that the 2 soldiers who have shot children, have legitimised their actions in their own minds and regard the children as proper targets in pursuit of the role the soldiers concerned were seeking to fulfil, and which may explain why, and in striking form, these particular soldiers do

not feel worse about shooting a child in contrast to other soldiers interviewed who have not so engaged.

Earlier in this thesis I made reference to some of the work of the late Richard Holmes and his recording of the experience of soldiers who were recently engaged in the Iraq War.<sup>51</sup> He records, and I repeat for the sake of convenience: -

‘Some (i.e. soldiers) found it impossible to shoot youngsters ... Trooper Ken Boon (observes): ‘Then a young lad in his early teens threw a grenade at me, I could have shot him easily but instead I took cover because I can’t kill a child that had probably been told to throw it.’

At first blush, and from the perspective of the informed layman, the reaction of Boon is one we all like to believe is the typical reaction of the average soldier, if such a person exists, since to believe otherwise is counter-intuitive to our understanding of common decency. It is suggested, however, on the basis of this research, that the Boon reaction is by no means typical and is probably at odds with the vast majority of soldiers, serving or otherwise. The same criticism may be made of the work of Romeo Dallaire, already examined in this thesis,<sup>52</sup> and to his suggestion that serving soldiers should tailor, in other words limit, their response to the child soldier problem in the light of our understanding as to how they came to be soldiers in the first place, namely that they are not weathered warriors who have consciously committed their adult life to the use of force against others.

It is clear that in respect of each of the soldiers interviewed each, without exception, was eager to stress in terms their respective attitudes to child engagement the importance of the following: -

- (i). the imperative of preserving their own life and the lives of others under their command or with whom they are serving;
- (ii). the recognition of a threat from whatever source that threat may come;
- (iii). the need to counteract that threat irrespective of moral considerations which may arise from any personal view each may have as to issues appertaining to child welfare;

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<sup>51</sup> See Chapter 3, p. 1: R. Holmes, *Dusty Warriors, Modern Soldiers at War*, Harper Perennial, 2007, p. 317

<sup>52</sup> See Chapter 2

- (iv). a recognition that a distinction needs to be drawn between a soldier's duty and personal considerations.

In terms of differences between those interviewed, there was a manifest contrast between those who believe that children present more of a threat to regular forces than a similarly armed adult (Soldier's A, B, D and E), and those who do not (Soldier's C, F and G). It should be remembered that each of the soldiers interviewed were experienced, and had each been involved to a very considerable extent in active combat. It is suggested that no particular pattern arises from the spread of answers received, and the opinions expressed must be regarded as being no more than personal.

As to the question of training; a stark difference emerges between the UK and US soldiers the subject of interview. I have already observed that in respect of published data, the UK does not have any formalised training in order to equip its soldiers to confront armed children. This appears to be borne out by the UK interviews in contrast to the UK interviewees. I have already suggested that this is a consequence of the global role which the US military sees for itself, coupled with a realisation of the significance of the child soldier issue for its soldiers and her future engagements.

## **A Comparison from History: The Hitler Youth**

### **The Imperial War Museum Archive, London (Selected Examples)**

(1). Ian Hammerton (Officer attached to the 22<sup>nd</sup> Dragoon Guards).<sup>53</sup>

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<sup>53</sup> Recording Reference: IWM 8939 (1<sup>st</sup> August 1985)

Soldier fighting in NW Europe and advancing in support of the Highlanders on its approach to the Siegfried Line came against an SS Hitler Youth Division. His unit was met by an intense attack from the Division, more severe than anything he had originally experienced on the march from the landings in Normandy, and eventually found himself in a slit trench and in the company of a member of the Hitler Youth. Hammerton approximates the age of the soldier as about 14 years. The youth had been seriously injured in the leg. Whilst tending to the boy's injury as he would any other soldier, friend or foe, members of Hammerton's unit cooked some food for them. A debate then arose as to whether they should offer the boy any food. Up until this point he had not sought to converse with either Hammerton or other unit members, but the savage manner in which the boy had fought clearly was a factor in any decision as to whether the unit should extend the aid already offered. In the event bread and bully beef were offered and accepted by the youth and he was taken into captivity.

This example provides some evidence as to how Allied soldiers regarded members of the Hitler Youth differently to other enemy soldiers with which they were more familiar. The savage intensity by which they fought is noted, but more particularly the fact that such savagery was remarkable as a consequence of the age of the youth concerned. As to psychological perspectives, it is troubling that the Allied soldiers, notwithstanding their decision to treat an injury on a fellow soldier, albeit an enemy, felt reluctant to offer food as a consequence of the manner in which he fought. Would there have been a difference in the sharing of food if the boy had been a mature soldier who had fought savagely? It is submitted that this example provides strong evidence to support the assertion that the Hitler Youth was regarded differently to other enemies; the bond which may link soldiers in arms, even on opposite sides, was not present; and there was manifest a fear by Allied soldiers of youths fighting so savagely and who do not fit their own cognitive schemes as to what a soldier is, and still less how he is expected to behave. The latter may appear a curious observation since a soldier can scarcely despise another soldier for fighting savagely.

(2). Reginald Osgerby (Sgt. Attached to the 24<sup>th</sup> Lancers 1942-1944).<sup>54</sup>

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<sup>54</sup> Recording Reference: IWM 17967 (30<sup>th</sup> March 1998)

This soldier notes that the quality of German opposition was generally very good, and as the Allied advance closed on Germany resistance stiffened as the lines of communication became shorter and the threat to the Germany all the greater. As to the biggest threat to the Allied advance he singles out the Hitler Youth occupying slit trenches, and their snipers ensconced in trees. He asserts that the Hitler Youth were 'fearless', and this in turn created fear in the Allied soldier.

It is suggested that it is difficult to escape the conclusion that a psychological reaction is brought about in Allied soldiers as a consequence, not so much as a result of the fact that the Hitler Youth were 'hard' opponents, but more because children are not expected to behave in such away.

(3). Clifford Pember (Trooper attached to the 2<sup>nd</sup> Fife and Forfar Yeomanry 1944-1945).<sup>55</sup>

Soldier approaching Belsen Concentration Camp, part of which was guarded by members of an SS Hitler Youth Division, who are estimated to be approximately 14-16 years of age. No member, without exception wished to be taken prisoner. Whilst this was a common tendency for members of the SS not to be taken prisoner, it was beyond his experience to witness Youths, albeit SS members, adopting the same attitude.

This is perhaps another example of an Allied soldier encountering violent and unpredictable youths outside his ordinary experience. It is submitted that it is this feature which provides the Hitler Youth with its strength.

(4). Phil Loffman (Pte. 2/28<sup>th</sup> Australian Imperial Forces: POW in Italy and Germany, 1942-1945).<sup>56</sup>

This soldier complains how, after a substantial period in captivity following being taken prisoner in North Africa, and to being held captive in both Italy and then latterly

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<sup>55</sup> Recording Reference: IWM 21278 (18<sup>th</sup> April 2001)

<sup>56</sup> Recording Reference: IWM 21614 (8<sup>th</sup> May 2001)

Germany, without warning the camp in which he was held was taken over by Hitler Youth members and members of the Volksturm<sup>57</sup>. The latter were no difficulty: old and decrepit men and the standard of his confinement until the take over had been reasonably acceptable. As to the Hitler Youth, he describes them as ‘... little mongrels’, and many as young as 12-13: overbearing, self important, vicious and cruel to prisoners in their charge.

Although not judged in a combat role as with the other examples, this case is of value since it draws into focus the intrinsic unpleasantness of members of the Jugend: young boys trained into an ideology which, by its nature had little respect for the disadvantaged, and prisoners in particular. It is also worthy of comment that the example focuses on the contrast between what a soldier expects from other men in arms and the counter-intuitive behaviour of 12-13 year old children.

(5). James Hibbert (Officer attached to the 1<sup>st</sup> Parachute Bde: Arnhem 1944).<sup>58</sup>

Encountered members of the Hitler Youth on the outskirts of Arnhem. Such was the ferocity of the engagement that the tactics had to be changed in order to meet the unusual nature of the challenge.

Again, apart from the individual fighting abilities of the Jugend which was striking in itself and the psychological impact of regular forces engaging such an unusual enemy, it appears clear that this officer regarded the threat in much the same way as the soldiers interviewed in more recent history viewed child engagement: a threat which had to be confronted. Certainly there is absolutely no suggestion that the response was reduced or circumscribed as a consequence of the fact that the threat emanated from children; indeed, if anything the response was made stronger.

(6). James O’Sullivan (Pte. Attached to 2/5 Notts. & Derbyshire Regiment (Sherwood Forresters): POW in Italy and Germany 1943-1945.<sup>59</sup>

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<sup>57</sup> In effect a form of German Home Guard

<sup>58</sup> Recording Reference: IWM 14926 (6<sup>th</sup> February 1995)

<sup>59</sup> Recording Reference: IWM 20789 (29<sup>th</sup> March 1998)



The most frightening period of this soldier's captivity was when he was a prisoner of war in Germany and in the custody of members of the Hitler Youth: frightening in the sense of their ruthlessness and their attitude towards those in their charge.

This soldier reports to conversations with them, and to their pathological fear of being taken prisoner by the Russians.

## **Analysis**

The foregoing, along with other published material represents reasonable evidence to support the proposition that members of the Jugend were ruthless fighters. It may be a matter of speculation as to why this is so, but the most likely answer is derived from the nature of the indoctrination they had received throughout their short lives, coupled with the fact that they subscribed to a belief system which contemplated no other life other than that which they knew. This may be the case with most people, but in the context of the Hitler Youth, the point is all the more profound.

As to the nature of the fighting in a strategic context; this was the subject of consideration at the International Military Tribunal, Nuremberg, and in particular, in the case of Baldur Von Schirach.<sup>60</sup> It was found following due consideration that the organisation's military training was '...marginal and insignificant ...'.<sup>61</sup> It was clear that Von Schirach's chief function was to create an enthusiasm amongst youth, and Schirach had dubiously planted in the minds of young people an enthusiasm for war and conquest, later to be described as 'the German Problem for the next 25 years'.<sup>62</sup> It is not difficult to see how the examples derived from the recordings exemplify this phenomenon. What is perhaps more striking is the fact that young persons were able to be mobilised in pursuit of the cause for which they fought: it is a matter for historical reflection that their part in the fighting was strategically inconsequential.

As to any psychological reaction on the part of those included in the examples, it is difficult to detect any adverse reactions from their encounters with Hitler Youth. In

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<sup>60</sup> Leader of the Hitler Youth from 1931. Sentenced to 20 years' imprisonment upon conviction of Count 4 (Crimes against Humanity). He died on 8<sup>th</sup> August 1974

<sup>61</sup> B. Smith, *Reaching Judgment at Nuremberg*, Andre Deutsch, 1977, p. 236

<sup>62</sup> See 'Notes on Judgment', 3<sup>rd</sup> September 1946, p.28, Folder 3, Box 14, F.B. Papers

truth, the Jugend, and its members are only remarkable as a consequence of the fact that they were youths trained and indoctrinated to partake in the war effort in its various forms as the examples have shown, and in particular during the latter stages of the conflict, a conflict which at this stage was a lost cause.

Whilst it is right to draw the historical distinction between the examples of the 7 soldiers who have fought in modern wars and those who have fought the Hitler Youth, there is no evidence to suggest that any soldier interviewed would in some way modify or soften their approach or their tactics merely because they were engaging children. Upon the evidence produced, it is suggested that the contrary is more likely to be true, and that such modifications would result in soldiers being more aggressive to take into the child threat than otherwise.

WORD COUNT: 9800



## CHAPTER 6: ENGAGING WITH CHILDREN – THE ISRAELI EXPERIENCE

### The Political Context

In our examination of the child soldier problem, the experience of the Israeli state represents a useful case study since its historical and geographical circumstances gives rise to a number of problems which it has been forced to confront and arising from the almost routine deployment of children against their own security forces. It is suggested that an examination of the aetiology of these circumstances is capable of shedding new light on how the west has come to regard the problem

Although the state of Israel was declared on the 14<sup>th</sup> May 1948, with the establishment of the Israeli Defence Force (*'Zvah Haganah LeIsrael'*) (*'Haganah'*) 12 days later, the emergence of Palestinian militancy of which the use of children forms part, can be traced back to the opposition against Zionism brought about by the influx of Jews to Palestine towards the end of the nineteenth century and to the development of organised resistance by the Palestinian elite. It is a fact that most Jewish immigrants chose to settle in urban areas but the purchase of agricultural land became a high priority within their number.<sup>1</sup> When coupled with a growing impoverishment of the Palestinian peasantry, the seeds of future conflict came to be sown in Arab consciousness since the sale of land, alienation of the peasantry and the evergreen problem of attempting to earn a living from smaller and smaller parcels of cultivable land gave rise to conflict and directed against the new settlers.

The upshot of these problems found a focus in Palestinian youth militancy. Young people displaced from the land and their traditional roots moved to urban areas and became part of the urban poor. Against this background ideas began to ferment and which was to develop into organised youth militancy; the earliest recorded being the Nablus Youth Society and the Jaffa Youth Society.<sup>2</sup> Aside from the bald historical facts and origins of the Arab-Israeli conflict is the altogether more profound question of how children are regarded in the context of the Palestinian struggle, and which

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<sup>1</sup> B. Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001*, New York, Random House, 2001, p. 123

<sup>2</sup> S. Farsoun, *Palestine and the Palestinians*, Westview Press, 1997, p.59

stands in contrast to the way in which children and young persons are regarded in the West.<sup>3</sup>

Rosen points out that from the very beginnings of the conflict, the conviction that young people have a duty to sacrifice themselves for the Palestinian cause has held a prominent place in militant forms of Palestinian political consciousness.<sup>4</sup> The point was put thus: 'No child's death is meaningless. Every dead child is a hero, a victim, and a martyr.'<sup>5</sup>

As we have already seen, in the context of western perceptions, the child is a figure who is generally regarded to be a vulnerable personality and who requires nurturing and protection. The Palestinian experience is apparently the opposite and counter-intuitive. To see the image of a child, and in particular a dead child, as a symbol of sacrifice and political utility is perhaps surprising, and which calls for an explanation. It has already been observed<sup>6</sup> that the use of child soldiers should not be regarded as a matter of success or failure, but more in terms of regarding their usage as a normal part of societies which, for whatever reason, have been the subject of fracture whereby the use of children as participants in conflict becomes an inevitable fact, whatever the exigencies of international law may state. It is suggested that the Palestinian experience represents such an example. With the gradual increase in Jewish migration to Palestine and the assertion by the Zionist movement of their ancient biblical right to Palestinian lands, the Arab Palestinian movement saw a threat to their existence extant. It is against this general background and the development of specific political developments perceived to be adverse to Arab and Palestinian interests<sup>7</sup> that the seeds of the modern problem came to be sown. It is not suggested that Palestinian were or are indifferent to the usage of children in the armed struggle to rid their lands of 'criminal usurpers', but more the case that the political dimension

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<sup>3</sup> It is also worth noting that the Government of Israel set up at this time a new organisation known as 'Nahal' (Pioneer Fighting Youth), the aim of which was to provide a combination of military and agricultural training for members of youth movements and for members of the Youth Aliyah (young immigrants) villages. See M. Gilbert, *Israel, A History*, Doubleday, 1998, p.223

<sup>4</sup> D. Rosen, 'Fighting for the Apocalypse: Palestinian Child Soldiers', *Armies of the Young: Child Soldiers in War and Terrorism*, Rutgers UP, 2005, pp. 91-92

<sup>5</sup> D. Rosen, *op cit.*, p. 92

<sup>6</sup> See Chapter 2: The Influence of Law, Culture and Literature on the Child Soldier Question, p. ...

<sup>7</sup> See for e.g. the San Remo Peace Conference of 1920 (Assigning the mandate over Palestine to the British); the 1937 proposal that Palestine be divided into Jewish and Arab states; the emergence of the Israeli state itself, and the Palestinian refugee crisis as a consequence.

and the armed struggle itself, came to be regarded as being more important in the order of priorities.

As youth violence began to spread, along with the appointment in 1921 of Haji Amin al-Hussaini as Grand Mufti of Jerusalem and head of the Supreme Muslim Council, with control over the major resources of the Muslim community<sup>8</sup>, the Muslim community, including its youth came to be organised socially and politically. Rosen asserts that the political challenge of Zionism came to be defined as a civilizational and religious struggle<sup>9</sup> against the Judaization of Palestine, and which was able to bring youth from all backgrounds into the nationalist struggle and against a common enemy.

During the 1930's and as head of the Association of Muslim Youth in Haifa, a man by the name of Sheik 'Iss al-Din al Quassam became the first person to advocate armed resistance amongst its youth members and which tapped into a strain of militancy which can be identified within Islam or what has been described as '... the fusion of apocalyptic visions with political movements.'<sup>10</sup> Upon the death of Al-Quassam in 1935 he became a martyr and became more important in death than in life as part of the armed struggle. That memory was utilised to promote the recruitment of armed guerrilla youths to the cause; whilst in 1988 during the first intifada the link was stressed between 'al Quassam the martyr', and what are described as his 'political grandchildren'.<sup>11</sup> Perhaps the most striking example of the recruitment of such youths lies in the modelling of youth groups along the lines of Nazi youth and those in fascist Italy.

Following World War II and the departure of the British at the end of the Mandate, the Palestinian struggle for autonomy became internationalised with the intervention of neighbouring Arab states to their cause, although it was not until the founding of the Palestinian Liberation Organisation by the Arab League in 1964<sup>12</sup> and having the

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<sup>8</sup> J. Hilterman, *Behind the Intifada*, Princeton UP, 1991, p. 51

<sup>9</sup> D. Rosen, *op cit.*, p. 98

<sup>10</sup> S. Arjomand, 'Islamic Apocalypticism in the Classic Period', in *The Encyclopaedia of Apocalypticism*, ed. B. McGinn, New York Continuum, 1998, pp. 238-283

<sup>11</sup> Z. Lochman & J. Beinon, *Intifada: The Palestinian Uprising against Israeli Occupation*, Boston: South End Press, 1989, p. 329

<sup>12</sup> F. Barnaby, *The Future of Terror*, A 21<sup>st</sup> Century Handbook, Granta Books, 2007, p. 173

destruction of the state of Israel that the Palestinian people had a political focus. However, following the 1967 War and the occupation by Israel of the West Bank, Sinai and the Gaza Strip in the form of what has been described as ‘a classic colonial power’,<sup>13</sup> Palestinian youth again emerged as a radical and energized force operating as part of an armed underground and in basic institutions set up to provide minimalist government in the occupied territories dealing with medical services, education and social services. Although tolerated by the Israelis, it was this latter category which provided a recruiting structure and training ground for militant youth.<sup>14</sup>

The net result of all this had its broad effect in the spread of Palestinian terrorism across the globe, the growth of the Muslim Brotherhood and the emergence of Hamas and Islamic Jihad spreading a harsh and apocalyptic anti-Semitic form of rhetoric.<sup>15</sup> Most significantly is the fact that these groups have recruited children as young as 13 to be suicide bombers and as young as 11 to smuggle weapons and explosives. Since 2000 at least 29 suicide bombing attacks have been carried out in the name of the Palestinian cause and against Israel,<sup>16</sup> utilising such methods and young people as its vehicle.

The term ‘Child Soldiers’ is perhaps an inapposite form of description when dealing with the subject of Palestinian terrorism and child suicide bombers in particular. It may be the case that such persons are the very antithesis of what a soldier is, and how he may choose to define himself. Yet the facts demonstrate that children, and very young children at that, are used to devastating effect and as part of a military strategy. This Chapter does not suggest that children are necessarily the main means by which the Palestinian cause is advanced and whether from a political or military perspective, but it is argued that youth takes a central role in the Palestinian movement and in many respects is the means by which it defines itself. The importance of the point is well recognised by Israel who, in demonstrating that childhood as a concept can be

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<sup>13</sup> T. Hammes, *The Sling and the Stone, On War in the 21<sup>st</sup> Century*, Zenith Press, 2006, p. 94

<sup>14</sup> T. Hammes, *ibid.*, p. 95

<sup>15</sup> D. Rosen, *op cit.*, p. 113

<sup>16</sup> J. Kelley, ‘The Sickening World of Suicide Terrorists’, *USA Today*, 26<sup>th</sup> June 2001

made and unmade, has through its Military Orders, has reclassified Palestinians as adults from the age of 16 in contra-distinction to the position in international law.<sup>17</sup>

## **The Military Context**

The use of force by young persons in the history of the Palestinian conflict is well established from the spread of communal violence in the neighbourhoods of Tel Aviv in the summer of 1929 to March 2002 when Ayat al-Akhras, a Palestinian teenager, blew herself up outside an Israeli supermarket in Jerusalem. Prior to the suicide she pre-recorded a so called ‘martyrs’ video’ proclaiming:

‘I am the living martyr Ayat al-Akhras. I do this operation for the sake of God and fulfilling the cry of the martyrs and orphans, the mothers who have buried their children, and those who are weak on earth. I tell the Arab leaders, don’t shirk from your duty. Shame on the Arab armies who are sitting and watching the girls of Palestine fighting while they are asleep. I say this as a cry, a plea. Oh al-Aqsa Mosque, Oh Palestine. It will be intifada until victory’<sup>18</sup>

There are many other examples of children being used in the furtherance of what purport to be military adventures. The attack on the El Al Airlines office in Brussels in the late summer of 1969, the preponderance of children in mass demonstrations against Israeli occupation of the West Bank in the 1970’s<sup>19</sup>, participation in the al-Aqsa intifada, joining the al-Aqsa Martyr’s brigade, Hamas and Islamic Jihad are but a few. They represent practical examples of how, as has been earlier observed, children are not only regarded, but utilised in the wider context of the Palestinian struggle itself.

Thus far, this study has looked at the use of children in conflict from the perspective of how they may be utilised from the perspective of the regular soldier: their

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<sup>17</sup> H. Brocklehurst, *Who’s Afraid of Children*, Children, Conflict and International Relations, Ashgate, 1974, p. 2; and Introduction. p.13

<sup>18</sup> J. Hammer, *A Season in Bethlehem*, New York, 2003, p.160

<sup>19</sup> D. Rosen, *op cit.*, p. 92



deployment as soldiers and whether in their own right or as adjuncts to regular soldiers; their use as guerrilla fighters or as adjuncts to such fighters such as intelligence gatherers or transporters of equipment. The examples identified in the Palestinian context above are altogether different. I have raised the question as to whether such persons can be regarded as soldiers at all. Many of their actions lack organisation, discipline or controls which are the keystones of any army, modern or otherwise. Many of the actions are random and indiscriminate; many are no more than mere rioters throwing stones and many of their collective actions are directed to no defined purpose or objective. However, what is clear is that they all come within accepted definitions of the term 'insurgent actors', namely: 'any non-state entity that seeks to transform the political status quo through the use, and the threat of use, of violence';<sup>20</sup> what is different is the means that they employ to bring about that transformation.

If the acts of child insurgents in the Palestinian cause are considered across the broad sweep of the last century it is difficult to argue that their net effect has been remotely instrumental in bringing about their oft stated aim: the destruction of Israel. That is not to deny that certain individual acts have caused carnage and devastation to those immediately affected by their consequence, and many live in fear of the threat that such activity can cause. The focus of such acts, which may be broadly regarded as 'military', surely lies in their power to disseminate ideas. There is no doubt that upon the declaration of the state of Israel world sympathy was to be found in a small and newly created state being made the subject of attack by her larger and more powerful Arab neighbours. A more modern view is of Israel as a strong regional power preventing the Palestinian wish for nationhood. It is in this context that the image of the child soldier becomes so powerful in the dissemination of their cause.

Take the example of the child female suicide bomber, an image which in its own way is powerful, irrespective of any examination of the cause it propounded. The accepted image of a child, and in particular a female child, is one of vulnerability and weakness and deserving of protection and nurturing. For such a person to take their own life in

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<sup>20</sup> C. Crouch, *Managing Terrorism and Insurgency, Regeneration, recruitment and attrition*, Contemporary Terrorism Studies, Routledge, 2010, p. 2; A. Back, 'Thinking Clearly About Violence', *Philosophical Studies* 117, no. 1-2, 2004, 219-230

the cause of martyrdom, and in so doing hold herself against the collective power of Arab armies as she states in the video, is not only powerful, but powerful when judged against as the widely perceived image of the child. Put another way: the perceived weakness of the child is her strength.

It may be argued that isolated suicide attacks of the kind described are not a direct concern of the military and are more of a concern of the civil power and police enforcement issues. In any case, as it may be pointed out, the structure of the Israeli military is no different from the broad organisation of other western style forces and conceived with the engagement of other similarly armed forces in mind. It has been argued already, and in a different context that this may be a mistake and for the same reasons.

When considering the structure and philosophy of the Haganah, literally translated as 'defence', it is important to recognise that it emerged from strong pacifist traditions and is based upon principles of self-defence. It came into being as a direct result of attacks against Jewish settlers perpetrated by the Palestinian community and came to reflect Jewish life in general based upon humanistic principles and socialistic ideals. As to its strategic imperative, it came to develop a deterrent posture against surrounding and aggressive Arab states; an intelligence service designed to counteract its lack of strategic depth, and short warning period and the need to attack first in order to avoid penetration of the nation's own space.

Practical applications of the effectiveness of Israeli doctrines came in the Sinai campaign of 1956, the Six Day War of 1967 and the Yom Kippur War of 1973. As has been stated: '... the war's outcome validated most of the doctrines and ethos that the IDF believed in and according to which it had prepared itself. Above all, the war verified the Israeli advantage in command and leadership at all levels.'<sup>21</sup> What is less clear is how Israeli military doctrine is organised in order to deal with the child enemy of the kind earlier described, and in a modern context.

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<sup>21</sup> R. Gal, *A Portrait of the Israeli Soldier*, Greenwood Press, 1986, p. 17

During the occupation of Lebanon between 1982 and 1985 the IDF became transformed from a highly mobile force organised around conflict against other armies to a force, static in nature and performing quasi-police functions. During their time in the Gaza Strip and on the West Bank, the IDF was forced into friction with the local population, whilst long years of occupation and control came to erode their motivation and morale but also their traditional sense of ethics and morality.<sup>22</sup> This problem highlights in many ways the changing nature of warfare. I have already drawn attention to the work of Philip Bobbitt who, in his book *Terror and Consent* argues that industrial warfare between states is being replaced by the targeting of civilians as a direct objective rather than as a collateral cost.<sup>23</sup> It is in this context where the Child Soldier problem arises, since the use of children in perpetration of the Palestinian cause may have a particular application.

If the historical position is considered, it may be truly argued that a revolution in warfare thus emerges. Commencing with the use of children and young people as we have seen, in opposition to Israeli settlement in Palestine, and the development by Jewish settlers for their own means of protection, albeit in a basic form (the seeds of the Haganah) the latter became part of the defence of the Israeli state upon its formation. With the passing of the 3 conventional wars to which have been referred, there again comes into being a need to fight within areas of population and a willingness on the part of the Palestinian movement to use young people drawing upon the philosophies of the past.

To this observation must be added modern developments in the art of what has come to be known as asymmetric warfare; a concept which has come to greater prominence since the end of the Cold War.<sup>24</sup> The term 'asymmetric warfare' has come to mean the antithesis of a Western orientated style of warfare which relies on state based and/or a regular form of conflict utilising conventional tactics and methods. In this regard the application of 'laws of war' are more easily understood and applied. The 'asymmetric' approach seeks to exploit advantages he holds in other fields to the

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<sup>22</sup> R. Gal, *ibid.*, p. 251

<sup>23</sup> See Chapter 4 herein and P. Bobbitt, *ibid.*, p. 132

<sup>24</sup> T. Benbow, *The Magic Bullet, Understanding the Revolution in Military Affairs*, Brassey's, 2004, p. 160

conventional<sup>25</sup>. Types of asymmetric warfare vary across a broad spectrum encompassing strategy, tactics or type of force. He may be a terrorist group, an irregular militia, or even a criminal enterprise in so far as a distinction may be drawn between the two, yet the asymmetric experience is well adjusted to the Palestinian cause as against the Israeli state and her defence structure based upon a Western model. What emerges is that various features of the international system have come to benefit terrorists<sup>26</sup>, and no more so than the manner in which globalisation has come to develop<sup>27</sup>. The free movement of people in an open society, the free movement of ideas via the means of mass communication are but examples of developments which may be the subject of exploitation by groups which are shadowy and elusive by the nature of their structure, and thereby difficult to penetrate by a conventional security apparatus.

Perhaps one of the more significant problems facing the Israeli state is the gradual recognition in the West of the changing cultural outlook on warfare which stands in juxtaposition to its own, and which is apposite to the manner in which the child soldier issue may be defined. To many groups, such as the Palestinian example the subject of this chapter, the sacrifice of a child in the suicide example already quoted is not a matter of regret; it is an eventuality which is to be encouraged, and to be held up as an example to encourage other participants. Given such a disparity between this example and the approach of a Western model of defence with an emphasis on human rights and the rule of law, the emphasis of the desire for military action as a last resort, then military interventions are made all the more complex given this disparity., and in particular in case where war becomes more a way of life than as an instrument of politics.<sup>28</sup>

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<sup>25</sup> See for e.g. *The War of the Flea, A Study of Guerrilla Warfare Theory and Practice*, Paladin, 1974, esp. Ch. 1 'The Confrontation of the haves and have-nots, Guerrilla Warfare as an extension of Politics', pp. 14-26

<sup>26</sup> T.Benbow, op cit., p. 162

<sup>27</sup> D. Held and A. McGrew define 'Globalisation' as a process which projects social, political and economic activities across frontiers and from one region to another, spreading the transmission of ideas, goods, information etc. so that the lives of isolated communities are altered by distant events. See 'Global Governance' Vol. 5, no. 4, 1999, pp. 483-496

<sup>28</sup> C. Coker, *Waging War Without Warriors? The Changing Culture of Military Conflict*, Boulder, L. Rienner, 2002, p.177.

The cultural approach to violence and the willingness of many who form part of the Palestinian cause should never be underestimated. Few would argue that Israel lacks democratic legitimacy in so far as its incumbent government is concerned, yet whilst such legitimacy promotes internal cohesion, this has to be complimented by secure national borders and cooperative neighbouring states.<sup>29</sup> Israel may be militarily strong in the narrow sense of that term, yet it is surrounded by hostile Arab states sympathetic to the Palestinian cause, and in some cases, to their means of achieving their objectives. In this context being strong conventionally becomes diluted. It also follows that hasty intervention, or an ill-judged military response to a perceived threat risks being exploited for propaganda purposes. Thus, over-reactions to suicide bombers by a strong regional power, such as Israel, potentially provide the Palestinian cause with a propaganda tool, made all the more potent by the advent of globalisation, and which may provoke a backlash against the Israeli cause, as indeed is the essential aim of the perpetrators.

### **How equipped is Israel to fight Child Soldiers?**

It would be a mistake to consider this issue in isolation to a wider strategic context. It is not suggested, nor could it be said, that children are used either on their own or even as a weapon of choice. The incidence of child deployment may be rare in relation to other military acts against the Israeli state, but it is suggested that there use provides a powerful tool at the disposal of an insurgency for the following reasons. As has been pointed out, the Palestinian is well aware that it cannot fight Israel in a war based upon weapons alone. To do so would provide Israel with a mandate to utilise lethal force.<sup>30</sup> Yet the image of young Palestinians armed with stones and bricks pitted against highly armed forces which Israel is able to deploy, is not only powerful in itself, it removes the need to use sophisticated weapons on the part of the Palestinians, since to do so would eliminate the image as their most powerful weapon.<sup>31</sup>

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<sup>29</sup> J. Mackinlay, *Globalisation and Insurgency*, IISS, Adelphi Paper 352, 2002, p. 31

<sup>30</sup> T. Hammes, *The Sling and the Stone, On War in the 21<sup>st</sup> Century*, Zenith Press, 2006, p. 99

<sup>31</sup> T. Hammes, *ibid.* p. 99

By the commencement of the Intifada on the 8<sup>th</sup> December 1987 (Intifada 1), Israel had sustained an occupation for more than 20 years. The Palestinian leadership organised a United National Command in order to coordinate the uprising. One of their first steps was to circulate a series of leaflets which had as their main thrust political demands based upon their own relative military weakness and emphasising their own strength through the exploitation of youth as their psychological spearhead:

‘All roads must be closed to the occupation forces. Its cowardly soldiers must be prevented from entering refugee camps and large population centres by barricades and burning tyres. Stones must land on the heads of the occupying soldiers and those who collaborate with them. We must set the ground burning under the feet of the occupiers. Let the whole world know that the volcanic uprising that has united the Palestinian people will not cease until the achievement of independence in a Palestinian state whose capital is Jerusalem.’<sup>32</sup>

By a skilful manipulation of the world’s media, the uprising was able to maximise the impact upon, not only world opinion, but also Israeli opinion, and the Israeli army itself. As to world opinion, constant images of young people possessing little or no weaponry save stones and bottles, being fired upon by Israeli rubber bullets conveyed a powerful image of imbalance and injustice. As to the Israeli army, we have seen that by tradition it sees its role as a defensive force conceived in circumstances to protect the weak and the borders of a fledgling state. There is some evidence that the role it was now being asked to play in crushing the legitimate rights of the Palestinians and which found expression in the intifada, had a demoralizing effect on the troops themselves, and which was fed back to families of the troops involved in the fighting.<sup>33</sup> Of particular significance to this Chapter is the fact that the troops had no direct training in responding to wave after wave of women and children as opponents<sup>34</sup> and which may have contributed to their ‘disjointed’ approach: they were losing the psychological war, which in the context of an insurgency is arguably more important than the physical.

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<sup>32</sup> Z. Schiff and E. Ya’ri, *Intifada: The Palestinian Uprising – Israel’s Third Front*, Simon and Schuster, 1989, p.192

<sup>33</sup> T. Hammes, *op cit.*, p. 105

<sup>34</sup> T. Hammes, *ibid.*, p.105

Following the signing of the Oslo Accords of the 13<sup>th</sup> September 1993 Israel was forced to concede territory that it had come to occupy. It is of remark that this concession was brought about as a consequence of the uprising itself to which the use of children and young persons played a significant part. It is worth observing that, notwithstanding previous conventional wars between neighbouring Arab states possessing professional armies, the uprising achieved what the latter could not, over a much shorter period of time. One may well conclude that the Israeli response was defective as a consequence of their inability to fight the uprising based as it was on child input. It remains a matter of debate whether such failure is a result of an incorrect reading of the hostilities from a political perspective; or a failure in the military response.

Following the collapse of the Oslo process in or about September 2000 the al-Iqsa intifada commenced (Intifada 2), and which has been described as ‘...the bloodiest conflict in the history of the Israeli-Palestinian conflict...’,<sup>35</sup> and which lasted until it petered out towards the end of 2005. It has been estimated that as early as August 2003 more than 2,500 Palestinians and 900 Israelis had come to be killed.<sup>36</sup> By 2002 there had been an escalation to the most violent confrontation since the partition of the territory west of the Jordan River in 1947.<sup>37</sup> The Israeli response through the medium of *Operation Determined Path* and *Operation Defensive Shield* was to commit to a programme of targeted killings of commanders or would-be commanders. During this period the Palestinian approach was to deploy suicide bombers as the weapon of choice.<sup>38</sup> Many of the persons engaged were women and children. It appears that the supply of persons willing to subject themselves to such an endeavour were plentiful, munitions were ample and the political effect and fallout were the main targets. In August 2003 a bus bombing in Jerusalem killed 23 people and lead to the resignation of the Palestinian Prime Minister, Mahmoud Abbas. Unorganised popular unrest gradually converged into organised popular resistance involving guerrilla tactics led by Hamas, Palestinian Islamic Jihad and PLO affiliated militias Fatah-Tamzim and

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<sup>35</sup> So named after the decision by Netanyahu to open a new tourist gate from an ancient tunnel near Jerusalem’s holiest Muslim shrine, the Al Aqsa mosque, and which led to an emotional Palestinian response.

<sup>36</sup> Washington Post, August 2003

<sup>37</sup> IISS Strategic Survey 2002/3, Oxford UP, 2003, p. 179

<sup>38</sup> IISS Strategic Survey 2003/4, Oxford UP, 2004, p. 173

Force 17.<sup>39</sup> It soon became apparent that a policy of containment was insufficient to neutralise the threat and the IDF were obliged to resort to live firing the subject of significant media exploitation by the Palestinian cause.

When an analysis is made of the foregoing it is suggested that the respective approaches of both sides are not very different to that which pertained prior to Oslo. The Israeli IDF adopting a conventional military response to what, as they perceived it, an insurgency, and the Palestinians seeking to exploit what they regarded as their strength, the deployment of suicide bombers, for political ends and maximum publicity amongst other methods. It has been suggested that Intifada 2 has reversed the international perception of Israeli and Palestinian roles of Intifada 1,<sup>40</sup> whereby the latter restated their aim of the destruction of Israel in addition to the establishment of a Palestinian state. The cycle of violence appears unending and is a matter of current international concern. In short the IDF was accustomed to conducting major conventional warfare and counterterrorist operations using Special Forces, but was unprepared to confront a civilian based uprising.<sup>41</sup>

During the course of my research for the purposes of this Chapter I had cause to interview Yossi Mecklenberg, Reader in Middle Eastern Affairs at Chatham House, and also an Israeli veteran in the context of his own National Service in the IDF.<sup>42</sup> What emerged from the discussion was the fact that, to the best of the interviewee's knowledge and belief, the IDF had no specific training in order to deal with child soldiers and whether from the point of view of their incidence or how they specifically may be regarded as a threat to the IDF. These observations are supported by a series of interviews conducted for the *B'Tselem* organisation.<sup>43</sup> One such interviewee complains thus:

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<sup>39</sup> See S. Catignani, Ch. 11, 'The IDF and the Al Aqsa Intifada' in *Counterinsurgency in Modern Warfare*, eds. D. Marston and C. Malkasian, Osprey Publishing, 2008, p. 205

<sup>40</sup> T. Hammes, *op cit.*, p. 122

<sup>41</sup> See S. Catignani, *op cit.*, p. 204

<sup>42</sup> Interview with Anthony Callaway on the 15<sup>th</sup> December 2012 at Regents Park College, Regents Park, London

<sup>43</sup> 'Breaking the Silence' is a NGO established in Jerusalem in 2004 by IDF veterans in order to document the testimonies of Israeli soldiers who have served in the Occupied Territories in Hebron and the West Bank. The interviews themselves are designed to shed light on Israel's operational methods since the Second Intifada and to encourage debate about the nature of the occupation. All interviewees are anonymous.



‘One of the things, its something that really shook me...because they didn’t train us for going into the Territories, so they gave us a very quick overview. So they explained to us a bit about, I don’t know what they’re called, riot control agents.’<sup>44</sup>

Similarly, the attitude to Rules of Engagement (‘ROE’) appears somewhat cavalier. Another interviewee explains:

‘If an Arab boy picked up a rock against a Jewish boy, then we’d probably have to handcuff him, blindfold him, send him wherever, follow the orders’

Those are the orders?

‘It’s in the rules of engagement, situations and responses’

The suspect arrest procedure?

Right procedure for arresting a suspect. If a boy picks up a rock. Forget it...I’d have to start shooting in the air, then at his feet, all kinds of things like that. There was some kind of crazy boy, a bit retarded, he didn’t understand what they were screaming at him. In the end he got a bullet in his leg. It was the 931<sup>st</sup> Nahal Battalion.<sup>45</sup>

There may be a number of explanations for the lack of training and a failure to apply the ROE. In the first instance, it may be asserted that children do not pose a specific threat, and which therefore does not require training in order to deal with it. Conversely, it may be stated, moreover, that a child threat needs to be considered as with any other threat to the safety of conventional forces, and a conventional response is sufficient to meet it, irrespective of the age of those who constitute the threat; or it may be argued that the threat is too small in scale to give rise to a need to amend training programmes and which are adequate to prepare forces for their intended deployment. It is, however, more difficult to explain a failure to apply ROE in any

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<sup>44</sup> Unit of Interviewee: Artillery. Location: Quaqilya. Year: 2000. Reference: ‘Breaking the Silence’ Our Harsh Logic: Testimonies from the Occupied Territories, Metropolitan Books, 2012, p. 102

<sup>45</sup> Unit of Interviewee: Nahal Brigade. Location: Hebron. Year: 2005. Reference : Breaking the Silence, *ibid.*, pp. 142-143

given case, and what is undeniably clear is that the Palestinian cause has been able to garner significant political capital on the international stage for the child threat to be regarded as a threat in its own right, as opposed to some minor uprising involving children who do not matter in the grand scheme. Judged against the standards of intifada '1' and intifada '2', it is difficult to conclude that children and young people are anything other than an important part of the military processes by which these insurrections were orchestrated. Of special significance is the fact that targeted killings mounted by the IDF undercover hit squads (*Mistar'aravim*) seemed to encourage, rather than deter the recruitment of new volunteers and martyrs.<sup>46</sup>

I would not wish to overstate the significance of youth participation in the Palestinian uprisings which have been the subject of discussion in this Chapter. Successes there have undoubtedly been based upon their deployment, but that is not to suggest that they are a substitute for professional forces in the conventional sense. Perhaps the biggest problem facing Israel and the IDF in particular, is the fact that her forces are being deployed in various parts of the Occupied Territories in order to fulfil a policing role the nature of which a conventionally structured force is not designed to deal with. It is suggested that the combination of Palestinian militancy, spearheaded by youth and within the context of the Occupied Territories represents the real challenge to be confronted by the IDF in future conflict absent a political settlement.

### **How do Israeli Soldiers react to a Confrontation with Children?**

The chief function of all military training is to convert civilians into effective combatants. Whilst the essential aim can be easily stated, the incidence of training is now recognised to be more complex than was once thought. Indeed, the experience of history is that however thorough the training, most combatants proved unable to fight,<sup>47</sup> and by the Second World War the science of psychology gradually came to dominate military journals and the debate generally, influenced by important

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<sup>46</sup> See E. Kaplan, 'What Happened to Suicide Bombings in Israel? Insights from a Terror Stock Model' *Studies in Conflict and Terrorism*, Vol. 28, No. 3, (May 2005), pp. 225-235

<sup>47</sup> J. Bourke, *An Intimate History of Killing, Face to Face Killing in Twentieth-Century Warfare*, Granta Books, 1999, p. 13

contributions from instinct theorists such as William Mc Dougall,<sup>48</sup> Stopford A. Brooke,<sup>49</sup> and Jules Coleman,<sup>50</sup> in order to explain why this may be so.

Whilst such work was distinguished in its own way and made important contributions to the historic debate concerning, however enlightened that training may be, it is always a mistake to regard the problems of an insurgency as soluble by well trained conventional forces deployed against a civil population, and regarding that population as an enemy to be defeated in the strict sense. General Sir Frank Kitson<sup>51</sup> points out that ‘...there can be no such thing as a purely military solution because insurgency is not primarily a military activity ...’<sup>52</sup> But the question arises can military training in the conventional sense instil the qualities in a soldier which are suitable for fighting a long insurgency campaign such as Israel has embarked upon in the Occupied Territories and which requires her forces to live amongst a hostile population? It is suggested that this is where the power of the child soldier comes into its own: not only from a symbolic perspective, but also from a practical one as well. Symbolic in the eyes of the world viewing the conflict with the aid of mass media; and practical in the sense of presenting as an elusive enemy, one that most soldiers are reluctant to target for fear of political fallout, one in respect of which there is a plentiful supply and one that can prove deadly, particularly in the context of the suicide bomber.

The work of the *B’Tselem* organisation provides significant data and other material which supports the thesis that engagement by regular forces of children and young persons in the Occupied Territories has a deleterious effect upon Israeli forces, particularly from a psychological perspective. It is a matter for debate as to how such consequence influences the overall effectiveness of the military effort. The point is put thus: -

‘Early in (Intifada 2) the IDF established the principle behind its methods, calling it ‘a searing of consciousness.’ The assumption is that resistance will

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<sup>48</sup> W. McDougall, *Introduction to Social Psychology*, 1908

<sup>49</sup> S. Brooke, *Discourse on War*, 1905

<sup>50</sup> J. Coleman, ‘The Group Factor in Military Psychiatry’, *American Journal of Orthopsychiatry*, xvi, 1946, pp.224-25

<sup>51</sup> Officer In the British Army who published the classic work ‘Low Intensity Operations’ in 1971 based upon his experiences in the Mau-Mau campaign, the Malayan Emergency, Oman, Cyprus and Northern Ireland.

<sup>52</sup> F. Kitson, *Bunch of Five*, Faber and Faber, 1977, p.283

fade once Palestinians as a whole see that opposition is useless. In practice, as testimonies show, ‘searing of consciousness’ translates into intimidation and indiscriminate punishment. In other words, violence against a civilian population and collective punishment are justified by such a policy, and have become cornerstones of IDF strategy.’<sup>53</sup>

## Israeli Forces – Research

### (i). Method (Detail)

What, however, of the troops themselves? Through the *B’Tselem* organisation a series of targeted interviews were conducted of soldiers who had served in the Occupied Territories and had engaged children in a variety of forms. Each soldier was and remains anonymous. Unlike the work with UK and US soldiers I neither designed any questionnaire nor conducted the interviews themselves. Nonetheless the material provides a practical insight into attitudes of the soldiers themselves, their motivation, their training and the extent to which such experiences have come to shape their mindset.

### (ii). Interviews (Summaries)

#### (1). Israeli Soldier A: ‘On killing an 11-year-old-boy’.<sup>54</sup>

Unit: Paratroopers

Location: Jenin

Year: 2003

‘It affects some one way and some another. Some people are like ... ‘Okay, I killed a kid, Okay.’ They laugh ... ‘Yeah, now I can draw a balloon on my weapon. A balloon instead of a smiley face.’<sup>55</sup> I remember I was in Jenin during squad commander training ... and they tell us whoever climbs on the APC’s or armoured

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<sup>53</sup> See ‘Prevention: Intimidating the Palestinian Population: An Overview’ in *Our Harsh Logic*, op cot., p. 9

<sup>54</sup> *Breaking the Silence*, op cit., p.39

<sup>55</sup> Soldiers often put a mark on their weapons for every person they kill.

vehicles – shoot to kill. And the whole point was that people would climb up, because there are APC's under the house the whole time. Of course they tell us that the aim is to bring out the wanted men. And then a friend of mine came with his M24, a sniper's weapon, and just then a kid climbed up. He shot him, all happy – 'I took someone down

*He was happy he killed someone? Why?*

Because you've proved yourself. You're a man.

*Do they know he's not armed?*

Of course he's not armed and he climbs on the APC. No one asks you why you've got two X's, and whether they were armed, and if it was by the rules. It could have been two guys throwing Molotov cocktails.

(2). Israeli Soldier B: 'Any kid you see with a stone, you can shoot'.<sup>56</sup>

Unit: Paratroopers

Location: Etzion Brigade

Year: 2002

What finished it all – the brigade commander is there facing us during the briefing, we're in a *hudna*,<sup>57</sup> it's a fragile situation, he talks about that, and then a minute later he briefs us, 'Any kid with a stone, you can shoot at him.' Like, shoot to kill. A stone!

- *gave an order that you can shoot at a child who's throwing a stone?*

Yes, because it's a deadly weapon, because they throw them in the road. It was during the *hudna*.

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<sup>56</sup> Breaking the Silence, op cit., p. 55

<sup>57</sup> Cease-fire

(3). Israeli Soldier C: ‘Slapping, shoving, all kinds of stuff like that. Every day’.<sup>58</sup>

Unit: Lavi Battalion

Location: Hebron District

Year: 2002-2003

There was something that happened with a retarded kid, really retarded, who threw stones from some hill near Kvasim junction. In the end they arrested him, with that same deputy company commander, and he said to one of my soldiers, ‘Okay, take him to the jeep.’ The guy started struggling with him, and it was really hard for a little soldier to control this, like sixteen year old boy. So I threw him to the ground. During this scrap my weapon hit him in the mouth and it broke his tooth or something. He started bleeding and going crazy. All his uncles and family were there. The deputy company commander threatened them, the next time he sees the kid there, he says: ‘I don’t care whether he throws a stone or not, I’m going to kill him’. The parents were threatened.

(4). Israeli Soldier D: ‘We only killed for four children.’<sup>59</sup>

Unit: Paratroopers

Location: Nablus

Year: 2003-2004

We were based at the regional brigade, and we’d go into the city for ambushes.

*How many X’s does the company have?*

Eleven armed, I think. And something like for or five kids.

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<sup>58</sup> Breaking the Silence, op cit., p. 63

<sup>59</sup> Breaking the Silence, ibid., p. 83

*Four or Five kids?*

At some point they told us that since we'd only taken down four kids, they were giving our company missions because we were known for not hitting civilians. There was one operation, Calm Waters, it lasted two and a half weeks and the whole brigade went into Balata. We took down a lot of civilians. An old man and four children were killed in Balata because they were in a battle zone.

(5). Israeli Soldier E: 'You want to kill him but he's crying'.<sup>60</sup>

Unit: Nahal Brigade

Location: Hebron

Year: 2009

Once we did an arrest. They were throwing stones at Gross Square, so we were alerted and this boy suddenly appeared, so the lookout got on the radio and told us to stop, he was right near us.

*How old was the boy?*

Fifteen years old, called Daoud. So we arrested him. Stopped our vehicle, ran after him, and he was in total shock. We took him to Gross, to the Jewish side and he began to cry, scream, all sweaty and crying. Suddenly you've got a weeping kid on your hands who only a second ago at Gross had been throwing tiles, and you're dying to beat him to a pulp. You want to kill him but he's crying.

*What do you mean? Why?*

Because at some point they turn into such worms. I remember we just hated them. I was such a racist there, as well. I was so angry at them for their filth, their misery. You threw a stone, why did you do it? Why do I have to be here and you here, don't

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<sup>60</sup> Breaking the Silence, *ibid.*, p. 45

do this. Eventually we untied his hands because he cried and begged. You just don't know what to do. When I think about it, you're in this situation and you're lost.

## **Analysis**

It is dangerous to draw conclusions from a limited pool of soldiers' experiences, particularly those who are deployed in stressful situations about which they have had no formal training. In short, the Israeli Army, similar to the experience of the UK Army has no formal training to deal with child engagement as has already been made the subject of comment. Well trained and professional both may be; but training in the context of counterinsurgency is specialised, whilst engaging with children as part of a counterinsurgency calls for even greater specialisation. It may even be argued that it should not be regarded as an insurgency at all.

It is suggested that the latter observation in the context of the 2 Intifada uprisings is a mistake, since as we have seen, those orchestrating the intifada use children as what may be regarded as a weapon of choice. It is suggested that the great strength of child usage lies not only in their propaganda value: stone throwing children attempting, and in many instances as we have seen, succeeding in provoking a reaction on the part of well armed and professional forces; but also in the fact that children are rooted in the civilian population. The civilian population has been described as '... the centre of gravity – the deciding factor in the struggle.'<sup>61</sup> Indeed, killing the civilian is no longer just a feature of collateral damage and the harm caused cannot be easily dismissed as 'unintended since civilian casualties tangibly undermine the goal's of the counterinsurgent. If this is the case in the general sense, the point is all the greater when it comes to dealing with and killing children as the case examples have shown.

I also acknowledge another difficulty in drawing conclusions from the pool of interviewees summarised in this Chapter. This arises from the nature of the organisation which is responsible for compiling them: *B'Tselem*. The organisation points out that the testimonies depict the influence that the Israeli forces have on the lives of the Palestinian people in the Territories. Israel portrays the occupation as 'a

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<sup>61</sup> See 'Securing the Civilian', US Army, Marine Corps Counterinsurgency Field Manual No. 3-24; Marine Corps Warfighting Publication No. 3-33.5. U.of Chicago Press, 2007, p. xxv



justifiable defensive measure', and any harm sustained by people living under the occupation is considered reasonable and proportionate.<sup>62</sup> It is, of course, difficult to see how such a conclusion may be supported given the examples; yet this is the governments' stated position. It is a matter of individual judgment, however, as to how successful or unsuccessful it has been throughout Intifada 1 and Intifada 2, yet the government have pointed out that the organisation was formed from a group of academics who originated from the Meretz and Labor Parties and is little more than a propaganda tool for the enemies of Israel.<sup>63</sup> The point is also made that *B'Tselem* receives funding from overseas sources (amongst others, the EU to the extent of \$135,000 per annum) and religious groups such as Christian Aid on the UK and Diakonia in Sweden. It has also been criticised for numerous misrepresentations in International Law, inaccurate research and consistent underestimates of the threat that faces Israel and her ultimate survival from such threats.

Those qualifications being made, for the purposes of this Chapter the interviews do provide support for the proposition that the use of children does have a significant effect on the occupation, even when pursuing what might be thought of as a minor stone throwing role, when brought to bear against regular forces in the glare of international media. The following matters should also be taken into account: -

- (i). The testimonies provide evidence of war crimes being perpetrated by occupying forces against the Palestinian population. The targeting of children in pursuit of a military operation is nothing new. Indeed, prior to the My Lai massacre on the 16<sup>th</sup> March 1968 when 105 US soldiers entered the small village of Son My thought to be an enemy base under the command of a Lt. Calley. A Col. Henderson at a pre operation briefing taunted the officers for their 'lack of aggression and which enabled women and *children* or other VC soldiers to escape.' Men left the briefing feeling resentful and furious. This had the effect of soldiers '... talking about killing everything that moved'.<sup>64</sup> Is this so very different in kind to the example of Soldier (3) above where soldiers are 'taunted' into behaving aggressively? The

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<sup>62</sup> Breaking the Silence, op cit., p. 207

<sup>63</sup> [www.ngo-monitor.org](http://www.ngo-monitor.org)

<sup>64</sup> J. Bourke, op cit., p. 174

consequences of My Lai irretrievably tarnished the reputation of the US in Vietnam in the world media; cannot the same be said in respect of Israel and her approach in the Occupied Territories? How can Israel ever hope to continue to subjugate these areas with such an approach?

(ii). It is well recognised that one of the tools required to quell and/or defeat an insurgency is an ability to influence recruitment or what is sometimes termed 'regenerative decay'.<sup>65</sup> Put another way: an attempt to kill the recruitment base of the insurgency by putting their political goals in a disadvantageous light so they become less attractive to join. One may ask how the IDF intend to fulfil such an objective given the examples of Soldiers (2) – (5)? It may well be argued that such an approach is more likely to achieve the opposite, and to widen the recruitment base which, as we have seen, is already plentiful in terms of youth.

(iii). It is perhaps unhelpful to be over critical of the approach of the IDF in the Occupied Territories without acknowledging that the IDF is effecting the political will of a democratically elected government. The occupation is a political fact and it is manifestly not the fault of the IDF trained to fight conventional wars against a conventional enemy that it is now called upon to deal with subjugating a hostile population which has chosen to fight in the manner described. How the strategic position came to develop in this manner, and what can be done to alleviate it are ultimately political questions, not military ones.

(iv). It may be the case that where a political solution is obscure or otherwise intractable, and a resort to military force is dictated, the use of overwhelming force in order to crush resistance is either dictated or it becomes a solution to which the military will gravitate. In other words 'realpolitik' will dominate over moral or other considerations. It is suggested that this is the only explanation for the approach of the IDF in the occupied territories exemplified by the examples in this Chapter.

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<sup>65</sup> C. Crouch, *Managing Terrorism and Insurgency, Regeneration, recruitment and attrition*, Routledge, 2010, p.15

## **Conclusion**

There is little doubt that the use of children in the context of the Palestinian problem and in latter years has been exemplified by the use of children and young people as one of its central tenets. Children are plentiful, have allegiance to a cause and have shown themselves willing to risk themselves in battle in pursuit of that cause. This has been the position historically and in the two uprisings of recent years.

It cannot be suggested that the employment of such methods are capable of confronting, and still less defeating, a professional army in the conventional sense, and this has proved to be the case in other historical examples where children have been employed and which have been analysed in this thesis. However, to regard the relevance of their deployment in terms of their ability to overcome professional armies is to miss the essential point. Their purpose is to serve a political message and to create a media frenzy which is essentially borne of their own weakness and vulnerability. Given the power of modern media communication: the point which arises from their message becomes all the stronger and the more compelling.

What is all the more remarkable, it is suggested, is that the extensive deployment of children occurs notwithstanding an international and legal framework preventing their usage as a war crime. It is in this context that 'realpolitik' and morality come into collision.

WORD COUNT: 8,831





## **CHAPTER 7: THE MODERN BATTLEFIELD AND THE CHILD: TOWARDS A CONCLUSION.**

### **Child Soldiers: Enduring Problem or Historical Anachronism? Hypothesis (i).<sup>1</sup>**

The Coalition to Stop Child Soldiers recently published a paper calling for the UK to raise the age of recruitment from the present 16 to 18 upon the ground that to so recruit is, as they describe it, 'out of date' in the context of the modern world.<sup>2</sup> In the same week The Sunday Times published an article proclaiming the success of a Pakistani Army project to save what are referred to as 'Pakistan's brainwashed child jihadists' and praising such efforts as '...achieving astonishing results.'<sup>3</sup> The 2 positions are illuminating since both speak to opposing sides of the same problem. Whilst both may agree that the recruitment of young people under the age of 18 is, in their eyes a scourge to be confronted, the basis upon which recruitment takes place and the means by which purported eradication is to be achieved are different.

The argument of the Coalition is contentious. It is suggested that from an academic perspective young people are more susceptible to bullying and harassment and, contrary to the views of the UK Government, far from providing children with educational opportunities they would not otherwise have; education is in fact set back, young people are exposed to a variety of social problems of a kind already identified as well as to other social disadvantages. Of course the education of disadvantaged young people by the British Army has a long history. In 1795 for example some 1400 children whose soldier fathers had died in military service or were posted abroad and were found begging on the streets in Dublin. The Hibernian Society, a philanthropic

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<sup>1</sup> 'That the use of children has been the subject of increase within the third world and within terrorist and armed groups. Children are plentiful, easily indoctrinated and offer unquestioning obedience to their recruiters, whilst history demonstrates that they are potentially ruthless adversaries. The targeting of children by regular forces has the potential to create damaging political fallout, particularly in a world of mass communication.' (See Ch. 2).

<sup>2</sup> 'Child Soldiers International', Press release 'One Step Forward' 24<sup>th</sup> April 2013 and featured in an article on the 'Today' Programme, BBC Radio 4, 23<sup>rd</sup> April 2013. See also [www.child-soldiers.org](http://www.child-soldiers.org). It is pointed out that the UK government spends £94 million per annum on training programmes in respect of 2700 personnel who are under age as a means to replace those who leave the armed forces every year and estimated to be 22,000 persons.

<sup>3</sup> C. Lamb, '100% pass rate at Boy Bomber Reform School', The Sunday Times, 28<sup>th</sup> April 2013.

organisation, founded the Hibernian Asylum in Phoenix Park and which was later to become The Royal Hibernian Military School, the purpose of which was to provide shelter and education to the orphaned children of serving soldiers. In London the Royal Military Asylum was established in 1892 and which was later to become The Duke of York's' Royal Military School, Dover and which was to merge in 1922 with The Royal Hibernian School.<sup>4</sup> It is probably right to record that teaching standards were not high and NCOs not of the brightest,<sup>5</sup> but at least it was better than the alternative

Whatever the validity of such a contention may be, the Coalition opinion addresses a nation that has a formal legal recruitment structure set within a legal framework and, therefore, a policy which is capable of modification. When it comes to 'jihadists' or those bodies who may have a terrorist dimension; the issue of legal niceties are likely to have little relevance.

As to the Pakistani example, it is argued that the faltering education system throughout Pakistan is the major factor in the issue of recruitment by the Taliban. The message is simple, '...the children (8-15) are dangerous but brainwashed. They are told that their lives are meaningless and are promised a life in heaven and 72 virgins. A camp in Waziristan even had a 'fake heaven' – a cave plastered with heavenly scenes where would-be suicide bombers were well treated for a week. Those who refused (to cooperate) were slaughtered.' Many come from families of similarly deprived children: deprived of education, life chances and a lack of opportunity, whereas the Taliban offer a purpose, excitement and a religious education of sorts, albeit to Western eyes, of the wrong kind. It may be an uncomfortable conclusion, but the historical parallel with the British case and how deprived children were assisted is all too stark notwithstanding the distinction that in the British case the intention was to assist such children, whilst in the Taliban example the intention to recruit for the purposes of suicide is surely a malign exercise.

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<sup>4</sup> R. Holmes, *Soldiers, Army Lives and Loyalties from Redcoats to Dusty Warriors*, Harper Press, London, 2011, p.275.

<sup>5</sup> R. Holmes, *ibid.*, p. 276.

It is suggested that to assert that the recruitment of young people is ‘... out of date’ is not only a sweeping statement, but it is also one that does not address the realities of the modern world and fails to appreciate why children are recruited in the first place. In terms of strict numbers the same Coalition report that as recently as 2008 the military recruitment of children ‘still takes place in one form or another in at least 86 countries world wide.’<sup>6</sup> Burma (Myanmar) is stated to be the largest state recruiter, although subject to various conditions persons under the age of 18 may enlist in a number of countries in the West including the US and the UK.

Whether child recruitment can be said to be ‘the subject of increase’ is a rather more difficult issue. It has been powerfully argued that ‘...it is quite ludicrous to talk about child soldiering as an ‘epidemic’ on the basis of speculative UN figures indicating that the world’s military arena contains 250,000 such combatants and support personnel under the age of 18,’ since in most places other than sub-Saharan Africa the number of child soldiers is indeed in decline. This suggestion accords with recent UN figures that the incidence is in decline.<sup>7</sup> That being noted it remains the case that Africa is still considered to be the epicentre of the phenomenon, with the areas of deployment reading like a master list of the worst zones of violence<sup>8</sup> Honwana speaks of a ‘...massive instrumentalization of children in combat ...,’<sup>9</sup> and ‘...of a widening scale and deepening intensity of the participation of children in conflict ...,’<sup>10</sup>. Upon this basis the fact that children have been the subject of deployment in the third world is well demonstrated. What is more complex is to estimate the future increase of such deployment.

In some ways I question the value of examining the problem as to prevalence and increase from the perspective of a numbers issue. Whilst the numbers game is of importance, it is easy to place too much reliance upon them at any one point. Of greater significance is to consider the political contexts of nations and areas of the world in which the circumstances exist in order to make the use of children in conflict

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<sup>6</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* 12 (2008).

<sup>7</sup> E. Ben-Ari, *Facing Child Soldiers*, Unpublished Paper, 2009, p. 2.

<sup>8</sup> P. Singer, *op cit.*, p. 19.

<sup>9</sup> A. Honwana, *op cit.*, p. 30.

<sup>10</sup> A. Honwana, *ibid.*, p. 31.



more likely. By this method it may be easier to estimate whether the use of children is likely to be the subject of increase or not.

Following the end of the Cold War the concerns of the international community shifted from the fear of interstate warfare to that of intrastate conflict. The decline of a bi polar world dominated by 2 superpowers and which maintained territorial cohesion, particularly in the Eastern Bloc, gave way to a series of regional rivalries and the rise of rogue states which threatened regional stability, global travel and communications.<sup>11</sup> For the first time the human cost of failed and failing states became evident and which manifested itself in the form of refugee flows, civilian suffering and the displacement of political conflict across borders became all too evident. It is this context which set the scene for the recruitment of children in all its various forms. Somalia is a particular example. Since the 11<sup>th</sup> September attacks, Somalia has attracted scrutiny in the study of terrorism since conventional wisdom dictates that such nations provide safe havens for terrorists given its lawless environment. Other nations such as Pakistan, Yemen<sup>12</sup>, Kenya, the Philippines, Guinea and Indonesia are similar. It has been pointed out that in general terrorist networks flourish better in poorly governed states than in those which are not governed at all.<sup>13</sup>

The somewhat depressing conclusion is that the political context described above is one that is likely to remain and develop. Internal conflict in the developing world has become increasingly bloody and which is marked by a fading distinction between combatant and non combatant, conflicts which are spurred by environmental and demographic pressures, arguments over natural resources and water rights in particular,<sup>14</sup> expanded populations and a lack of economic opportunity all of which in themselves fuel political tensions erupting in sustained conflict. The example of Charles Taylor in Liberia is a case in point whereby he was able to establish effective

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<sup>11</sup> T. Hoyt, 'Security and Conflict in the Developing World', in *Grave New World*, op cit., Ch. 10, p. 217.

<sup>12</sup> See S. Phillips, Yemen and the Politics of Permanent Crisis, IISS, 2011, esp. the insurgency being led by the al-Houthi family and their supporters 'The Believing Youth' (*Shabaab al-Mu'mimineen*), pp. 27-29.

<sup>13</sup> K. Menkhaus, Somalia: State Collapse and the Threat of Terrorism, IISS Adelphi Paper 364, 2004, p. 71.

<sup>14</sup> See P. Le Billon, Fuelling War: Natural Resources and armed conflict, IISS Adelphi Paper 373, 2005, esp. Ch. 2, pp.38-48.

control over 'Greater Liberia' and controlled lucrative resource sectors of the economy and smuggled them out of the country through Cote d'Ivoire. As part of his network of control, Taylor was able to utilise children recruited into the military under his command and employ their services effectively.

If this political position is likely to continue, and children are likely to be employed as an integral part of it, it is difficult to identify a strategy to counter such use other than to discover a political solution in each case: a point easier stated than affected. We have seen that quite apart from the utility of children as soldiers in the strict sense, their use has been effectively employed against regular forces in order to create damaging political fallout.<sup>15</sup> In the Israeli experience the use of a child was a central part of Palestinian thinking in their opposition to Israeli occupation. The more modern and current example of the Syrian uprising is a further case in point. As a central focus to the growing opposition to the Assad regime and motivated by the same set of economic, social and political grievances that drove recent Arab uprisings, ideological and organisational coherence was provided by groups of youth activists to which the professional middle class, urban and rural workers were to ally themselves.<sup>16</sup>

It would be a happy conclusion in many ways to regard the long history of employing young people to fight adult wars as anachronistic and to believe that the world has moved towards more civilised and enlightened times. The reality is different. Different kinds of conflict are emerging. Children are seen as having a special utility in such conflicts in a variety of roles and their use is widespread in both a numeric and geographic sense. It is rather difficult to see how such a manifestation can be described, as the Coalition has termed it, as being 'out of date': on the contrary, it is very much in vogue.

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<sup>15</sup> See Ch. 6, *Engaging with Children – The Israeli Experience*.

<sup>16</sup> E. Hokayem, *Syria's Uprising and the Fracturing of the Levant*, IISS, Routledge, 2013, Ch. 3, *The Rise of the Opposition*, p. 69.

## **Child Soldiers: Utility in Post modern Conflict?**

### **Hypothesis (ii)<sup>17</sup>**

One of the most important debates in strategic studies and defence policy since the end of the Cold War has been whether a Revolution in Military Affairs is underway and, if so, what its implications are for the future of warfare.<sup>18</sup> Military affairs, by their nature, are the subject of continuous evolution rather than revolution and too often in the past have commentators referred to changes in the strategic landscape as being ‘revolutionary’ when they are, in essence, ‘evolutionary’. Much of the debate had revolved around what is perceived to be the great success of American military technology, particularly in the 1990-91 Gulf War.<sup>19</sup> The continuation of the argument moves to a prediction that digitised forces will be linked through a computerised network to sources of information and to distant fire support. Singer has pointed out that the rise of the computer age and of what is termed ‘robotic’ warfare which accompanies the rise of globalization in the twenty first century is calling into question the professional identity of the soldier as we now regard him. The military profession developed with the rise of the nation state in the eighteenth and nineteenth centuries, yet with the challenges presented by globalization in the twenty first, the ideas of a uniformed military and the nation state itself are transforming.<sup>20</sup> Governments lose control over financial markets and trade and security threats range from terrorists to rogue states to infectious diseases. The problem of defining the future of war, its nature and scope represents a difficult question, with many seeing that future as consisting of not localized battles of asymmetry but transnational terrorist movements linking all these various conflicts together.<sup>21</sup> This shift is concurrent with a decline of wars between states, the rise of wars within and the problem of separating belligerents, resettling refugees and providing security for

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<sup>17</sup> That child soldiers have an increasing utility in post modern conflict within the context of asymmetric warfare, and in particular, militant Islam. Weaponry is rugged, cheap and plentiful, whilst conflicts around the world are characterized not as temporary outbreaks of instability but rather as protracted states of disorder. Singer points out that these trends coupled with the socioeconomic dislocation of children and changes in the modern battlefield are necessary factors in the emergence of the child soldier as a global phenomenon. (See Ch. 2).

<sup>18</sup> T. Benbow, op cit., p. 9.

<sup>19</sup> CSIS Study Group on Lessons Learned from the Gulf War Interim Report – The Gulf War: Military Lessons Learned (Washington, CSIS, 1991), p.11.

<sup>20</sup> P. Singer, *Wired for War, The Robotics Revolution and Conflict in the 21<sup>st</sup> Century*, Penguin, 2009, p. 362.

<sup>21</sup> P. Singer, *ibid.*, p. 213.

humanitarian organizations which, whilst not entirely unknown, is very different from traditional demands hitherto asked of the military.<sup>22</sup>

The emphasis here is, of course, the future, but there is strong evidence that transnational terrorist movements are in existence today. There are international organisations dedicated the overthrow of Muslim regimes in the Middle East and elsewhere and the establishment of the Islamic state, the *khilafah* or caliphate.<sup>23</sup> Al-Jihad (Islamic Jihad) is an Egyptian Islamic group that originated in Muslim Brotherhood in the late 1970's and whose aims were to overthrow the Egyptian government, an aim now achieved, and to attack American and Israeli targets in Egypt and abroad at a multi-national level. In the 1980's the group merged with the al-Qaeda group inside Afghanistan and which was to develop as part of a network of groups in Pakistan, the Palestinian territories, Lebanon, Sudan and Yemen.<sup>24</sup> It is acknowledged that these examples remain a very long way removed from the model envisaged by Singer. Yet, the examples cited, although demonstrating significant local successes in recent years, remain fractured, are riven by internal disagreements and have faced overwhelming opposition in the West, still remain matters of concern because of their potential for growth and damage to Western interests in the future.

The relevance for the future of child deployment is the existence of a collective willingness to use children in the furtherance of their objectives at many different levels. The recent experience of the Finsbury Park Mosque is a case in point. Young people were instructed that 'God loves people who kill in His name', and a recurrent theme was to the effect that there is no higher duty than to offer themselves (i.e. the young) for suicide missions.<sup>25</sup> It is now well known that the influence of Abu Hamza and the Finsbury Park mosque had a global reach from his followers setting up a jihad training camp in Oregon in 1999, to the shoe bomber Richard Reid in Miami in 2001, to Guantanamo Bay where many Finsbury Park graduates became incarcerated, to Afghanistan and the deployment of young people and to Chechnya where money and personnel were sent to aid the Chechen fundamentalist mujahideen. As of today Islamic Jihad in Palestine organise military-style training camps based in the Gaza

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<sup>22</sup> See C. Moskos et al., op cit., Ch.1, p. 3.

<sup>23</sup> E. Husain, op cit., p. 76.

<sup>24</sup> F. Barnaby, *The Future of Terror*, Granta Books, London, 2007, p. 121.

<sup>25</sup> S. O'Neill & D. McCrory, op cit., pp. 89-90.

Strip in which boys aged from 6 to 16 receive religious and military training learning to use guns, dive under obstacles, flaming tyres and sandbags.<sup>26</sup>

The relevance of this evidence for our subject lies with an irony. In a technologically sophisticated world equipped with weapon systems capable of destroying the world in seconds and satellite surveillance apparatus without precedent, the least sophisticated amongst us, the child, emerges as an instrument of combat as a counterpoint to such developments. There may be a number of reasons why this is so. In the first place such employment represents nothing new; it follows the pattern of insurgency according to the old classical model: hitting an enemy when he is weak, evading the enemy when he is strong, taking the offensive when he falls back, circling around when he advances and using what forces are at the command of the insurgent; here children.<sup>27</sup> Children are available and plentiful, and are willing to be used pursuant to an orchestrated plan. In the second instance the power and sophistication of the Western militaries and the US in particular, cannot be matched by smaller states and certainly not by some terrorist group, even one with an international dimension. In the event that they are to further their aims and ambitions it is necessary that they devise an alternative approach. In this regard we have seen in the Palestinian case how a small group of suicide bombers can produce an enormous political impact with international repercussions against the Israeli state which is not only strong militarily but is also a major regional player. In the third instance it may be argued that the willingness of rogue states and terrorist groups to employ children is in fact a new departure. Terrorism, exploiting modern technology, computerisation and the power of modern transport and communication links, is truly universal and has relevance for all nations who may come within its purview and whose infrastructure may come under attack. My own personal view is to regard the latter proposition as the preferred approach. The world and the military endeavour are fast changing: to recruit, and deploy young people as part of a worldwide terrorist network linked together presents a threat which is not only unprecedented but is one in respect of which the West has yet to produce an answer. It is this deployment which represents a true revolution in military affairs.

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<sup>26</sup> The Daily Telegraph, Thursday, 13<sup>th</sup> June 2013

<sup>27</sup> R. Taber, *The War of the Flea, Guerrilla Warfare Theory and Practice*, Paladin, London, 1974, p. 27

The most likely form of future deployment or usage of the child soldier remains in the Third World and, as Martin Van Creveld points out; too many such countries continue to sink into hopeless poverty, confusion and despair of a kind that formed the background to genocide in Rwanda. Many others, whilst more or less peaceful have the potential for ethno-religious conflict. These factors drive mass immigration, and once arrived they are torn by the need for assimilation and the desire to maintain their own traditions in the face of discrimination. Social tensions of the kind witnessed in the UK and other Western nations are the result and which have the potential to erupt into large scale violence.<sup>28</sup>

**Child Soldiers: A real soldier would never shoot a child would he; after all a child is just a child?**

**Hypothesis (iii)<sup>29</sup>**

During the middle of the nineteenth century medical science came to recognise that human beings developed psychological reactions to the experience of traumatic events, and which came to be later called 'traumatic neuroses'. Damage to the nervous system was first noticed in conjunction with the spread of railway travel, whereby persons so transported, including firemen and railway employees, were confined to a narrow space and discovered that they were at the mercy of events outside their control. A John Duchese came to investigate these manifestations in a seminal book entitled *On the Railroads and Their Influence on the Health of Engineers and Firemen* (1857), and in a later publication entitled *The Influence of Railway Travel on Public Health* (1882).

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<sup>28</sup> M. Van Creveld, op cit., p. 308.

<sup>29</sup> British infantry when confronted with child soldiers are reported to experience greater psychological trauma than when faced with armed adults. There may be a number of reasons why this may be so and which arise from a combination of practical, medical, anthropological, psychological and cultural reasons. Most armed forces, including the British, base much of their experience on structures that have subsisted during the latter part of the 20<sup>th</sup> Century, and which has been termed 'real soldiering'. When regular forces face a concurrent rise in the incidence of the child soldier and which runs contrary to the ethos of their own cultural perspectives and training, it is hardly surprising so the argument runs that an adverse psychological reaction results from a requirement to shoot children, notwithstanding that such a requirement results from an operational need. Given the stress that the West places upon Human Rts. Considerations, how can infantry be taught to place the child soldier question, and more particularly the need to engage and where necessary shoot children, in the context of a relevant training programme consistent with international law and cultural considerations, if at all? Does the child soldier matter to the ordinary soldier and should the threat such as it may exist be separately categorised to any other threat he may face? Are current training regimes adequate, and is the threat such as I have defined the same overstated and does it matter to society as a whole? (See Ch. 2).

As the world began to industrialise, pathogenic sources of mental disorder came to be recognised as a legitimate basis for compensation and the introduction of welfare systems to counteract such manifestations. Although there was much disagreement within the medical profession about the aetiology of hysteria, and in particular whether it was a disease in its own right as opposed to what has been described as a cluster of subjective associations on the part of doctor and patient,<sup>30</sup> there was agreement that emotional as well as physical symptoms were commonly associated with its diagnosis.

With the advent of the Great War, and as early as December 1914 reports reached the War Office in London that large numbers of soldiers had to be evacuated and who were reported as suffering from ‘nervous and mental breakdown.’<sup>31</sup> As to figures it was reported that those afflicted comprised 7-10% of officers and 3-4% of all ranks. This was concerning for two specific reasons. In the first place it was unclear what was precisely wrong with those evacuated. It must be remembered that there was no universal agreement as to what nervous disorder was, how it was manifest or how it could be treated. In the second place, the numbers involved were significant and inevitably there was consternation as to how the war effort may come to be damaged in the event that the trend was allowed to develop unchecked.

With these events the problems of what came to be called ‘shell shock’ started to be defined and addressed. It had an inauspicious beginning. Amongst the High Command and Military Doctors in particular, there was what can only be described as prejudice against men who suffered with their ‘nerves’; and the all too prevalent view that such reactions were indistinguishable from cowardice and were punished as such.<sup>32</sup> Doctors themselves found that they were under pressure to maintain troop supply and the strength of the frontline.

As medical knowledge grew the military became more sympathetic to those who were liable to suffer. During the Second World War the problems of morale and the

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<sup>30</sup> P. Leese, op cit., p.17.

<sup>31</sup> B. Shephard, op cit., p.21.

<sup>32</sup> C. Corns & J. Hughes-Wilson, *Blindfold and Alone, British Military Executions in the Great War*, Cassell, London, 2005, esp. Ch. 13, Cowardice and the Battle of the Somme, pp. 188-207.

contribution which psychiatry could make to minimising desertion and breakdown, aiding morale and designing training regimes to assist came to be recognised. An investigation by a Lt. Col. Penton observed: -

‘... the infantry required a better standard of man than technical arms: the stress they meet in battle is greater, the conditions are worse; the tasks that fall to their lot - night patrols and work in extended order- call for a higher standard of individual morale than is needed by those arms that always fight in compact groups, and no other soldier is called upon so frequently to endure prolonged and unrelieved stress under the worst physical conditions.’<sup>33</sup>

It is not suggested that an engagement with a child at close quarters is necessarily going to produce a reaction akin to shell shock or what is more aptly termed ‘post traumatic stress disorder’ (PTSD) in more modern parlance, or is even likely to, but the question posed by the hypothesis is whether or not an adverse psychological reaction is possible in certain instances, perhaps depending upon the individual soldier. If the answer is in the affirmative, then does this become an issue about which the Army in general, and the infantry in particular, should be concerned about? Any soldier, whatever his training may consist of and whatever his experience may be is always prone to react badly to a battle experience. A soldier is first a human being and is a soldier second. Fear is a natural instinct and the control of fear is a function of training.<sup>34</sup> Yet it should be remembered after all that the battlefield by definition is an ugly, dehumanising and inhospitable place which for most people who have not experienced its traumas, is unimaginable in terms of its horror and the production of distressing experiences which are capable of searing the consciousness of any human being.

In Chapter 4 of this thesis it has been observed ‘...that some soldiers found it impossible to shoot youngsters,’ and has already been the subject of some discussion. This information, as previously stated, was sourced from recent work carried out by the late Richard Holmes in his examination of British soldiers recently returned from

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<sup>33</sup> R. Ahrenfeldt, *Psychiatry in the British Army in the Second World War*, Routledge & Kegan Paul, London, 1958, p. 205.

<sup>34</sup> J. Bourke, *An Intimate History of Killing*, Granta Books, London, 1999, esp. Ch. 3, Training Men to Kill, pp. 69-138.



Iraq.<sup>35</sup> It is difficult to assess whether this evidence is merely anecdotal or whether it has a broader basis in fact and is of general application. However, the word 'impossible' is used and is the subject of stress. The author, a distinguished military historian in his own right, provides no details as to how he arrived at the conclusion he has, the number of soldiers he interviewed or the extent to which the opinion is contradicted by other soldiers who take a different stance.

Having tested the proposition in Chapter 5 of this thesis by examining the testimonies of the US and UK soldiers I have interviewed, and having looked at the matter from the perspective of the Israeli experience in Chapter 6, I can see no basis for thinking that adverse psychological reactions will result from child engagement that from any other form of engagement. A soldiers' life is as important to him as to any other person and he is likely to preserve it accordingly. The interviews I have conducted in the context of modern engagement, as indeed in the historical context of the Hitler Youth starkly demonstrate this view.

Considering in a little more detail the interviews what can be deduced? Of the 7 soldiers interviewed in the US and UK examples, 2 had engaged children at short range: Soldier B<sup>36</sup>, and Soldier F<sup>37</sup>. At a personal level Soldier B had no children of his own, whilst Soldier F had 2 boys and a girl. Whilst the latter had formalised training on the subject of engaging children, and the UK soldier had no such training, the answers to the question of adverse psychological reaction are the same: Neither would feel worse about shooting a child. The reasons are similar: Soldier F considers that a '...threat is a threat' whilst Soldier B considers that '... the safety of those under (his) command is more important than anyone else regardless of age.) As a consequence of the experience, neither feels worse from having shot a child. It is also noted that the age of the children concerned are similar: about 14.

Other comments are varied. Most of those interviewed view a threat as a threat irrespective of the form that threat may take (Soldiers A, C, D, E G). There is disagreement as to the view that a child presents as a greater incipient threat than an

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<sup>35</sup> R. Holmes, op cit., p. 317.

<sup>36</sup> UK Sgt. Queen's Royal Hussars, 26 years experience. Child engagement in Iraq (Appendix F(ii)).

<sup>37</sup> US Lt. Seal Team 8, 16 years experience. Child engagement in Iraq (Appendix F(vi)).

adult as is contended in some of the literature,<sup>38</sup> and disagreement as to whether a soldier would feel worse about shooting a child as opposed to an adult. It is suggested that these latter two matters are matters of subjective opinion.

When these findings are compared with the Israeli example, the point is reinforced as to the absence of psychological reaction. I had access to five interviews. In no case was it ever reported that the soldiers concerned in their dealings with the young people concerned had any qualms about either the nature of their engagement or the manner in which children were treated by them. Indeed the only matter of remark is how brutal the treatment of children was by the soldiers tasked to deal with them. Take for example Israeli Soldier C.<sup>39</sup> A group of soldiers of which he was part were dealing with a retarded boy of 16 who was throwing stones. The deputy company commander threatened both the boy and members of his family with the utterance: 'The next time I see him, I don't care whether he throws a stone or not, I'm going to kill him.' This, apparently, was a reaction by a deputy commander to a boy using non-lethal force.

Israeli Soldier E<sup>40</sup> remarked in 2009 that he arrested a boy 15 years of age. The boy had been throwing roof tiles at soldiers. The boy started to cry. The soldier reports that he (the soldier) wanted to kill him (the boy). He was asked to explain, and the soldier reports that they (the soldiers) just hated the boys: '... they turn into such worms. I was angry at them for their filth and their misery...'

Taking these two isolated examples, and the five summarised within Chapter 6, they provide some support for the assertion that Israeli soldiers have no special regard for the fact that their opposition is comprised of children. In the above examples it appears they had rather more contempt for the children as a consequence of the fact that they were children rather than to have a sympathy for them because of age. Issues and arguments about morality are all very well but do they have a place on the battlefield? As human beings we would like to think so viewing events from afar, but I doubt they hold very much sway in the heat of any engagement.

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<sup>39</sup> Ch. 6, Israeli Soldier C, Lavi Battalion, Hebron District.

<sup>40</sup> Ch. 6, Israeli Soldier E, Nahal Brigade, Hebron District.

In the historical examples of engagement with the Hitler Youth,<sup>41</sup> many who encountered the *Jugend* regarded them with contempt. Pte. Loffman for example describes them as ‘...little mongrels’; Pte. O’Sullivan reports his distaste for their ‘ruthlessness and their attitude towards those in their charge,’ both soldiers commenting upon how the youths treated captive soldiers. In no case throughout the six examples covered by this research did any soldier suggest that they had any compunction about engaging such young persons or had any adverse psychological reaction; however that may be defined, as a consequence. Lt. Hibbert, who engaged a contingent of Hitler Youth outside Arnhem in 1944, is perhaps typical of all six when he states that they were regarded as much as a threat as with any other German unit, and if anything, the response was made all the stronger. These historical examples in effect, mirror those more recent interviews and responses in more modern times.

If this is the case, why then is it suggested that any soldier would think it wrong to shoot a child in these circumstances? The following explanations may go some way to proffering an answer. War is universally regarded as a destructive pursuit: It is destructive of lives and property; it is demanding of resources in both human and material terms; it is damaging to the social fabric of society, both nationally and internationally and the cost in human lives over the course of the twentieth century is incalculable. As Liddell Hart once famously observed: ‘The only point in getting into a war in the first place is to obtain a better peace.’ It is not therefore surprising that the natural instinct of society is to protect itself, and the most vulnerable in it, from the influence of its throes. The child is the most vulnerable of that society and is the very antithesis of the prosecution of war. As Joanna Bourke has pointed out prior to the Great War: ‘By the 1870’s, the ideologies of separate spheres had firmly placed men and women within secure enclaves in which their roles were clearly acknowledged. The womanly woman was gentle, domesticated and virginal: the manly man was athletic, stoical and courageous’<sup>42</sup> If this is the case in respect of men and women, the child was, and is regarded as weak, demanding of nurture and protection and innocent.

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<sup>41</sup> Ch. 5.

<sup>42</sup> J. Bourke, *Dismembering the Male, Men’s Bodies, Britain and the Great War*, Reaktion Books, London, 1996, pp. 12-13.

For most people, although perhaps not soldiers who encounter them in battle, to combine a child as part of a war fighting effort is offensive to their own conscience and sensibilities. For that reason it is hardly surprising that they would be horror struck to think that a child could be shot in any circumstance even including the field of battle.

### **Child Soldiers: What, if anything needs to be done to meet the threat?**

#### **Hypothesis (iv)<sup>43</sup>**

One of the main arguments of this thesis notwithstanding, namely that the use and deployment of Child Soldiers is a latter day and growing problem, in so far as UK forces are concerned it needs to be pointed out that any encounter with an armed child is likely to be rare. In the UK case whilst there have been notable instances of encounters with armed children<sup>44</sup> in global terms, such instances form very much the minority of child engagements across the globe.

During the course of the interviews conducted for this thesis I have not encountered any UK soldier who has undertaken formalised training in order to deal with an encounter with a child soldier. Furthermore, during the course of interviews at the UK Land Warfare Centre, Warminster<sup>45</sup> it was clear that no formalised training regime was in existence or was contemplated. Brigadier Le Grys<sup>46</sup> explained that the army were at pains to explain to soldiers in general terms the political circumstances and strategic purpose behind any deployment prior to them deploying in order to aid understanding of the purpose behind any mission, but it is difficult to regard such training as pertinent to the specific issues which may arise from engaging children deployed by a determined enemy.

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<sup>43</sup> It is suggested that the current training regimes in UK forces are inadequate to prepare service personnel who are likely to engage child soldiers. It may equally be the case that the incidence of the child soldier is a fact of modern life on the modern battlefield, however it is defined, and no amount of training can alter that fact. Adverse psychological reactions may well be a necessary by-product of modern conflict as they have in past conflicts, and child conflict, as this thesis defines it, is merely another example. How have other nations organised their armed forces to cope with this manifestation? As an example, Israel has altered its own ROE to deal with this issue, the upshot being that in the intifada more than 20% killed have been 17 and under.

<sup>44</sup> Operation Barras in Sierra Leone and Operation Southern Watch in Iraq by way of example.

<sup>45</sup> 14<sup>th</sup>-15<sup>th</sup> March 2010.

<sup>46</sup> Interview 3<sup>rd</sup> September 2008.

There may be a number of reasons why this is so. It could be argued that in the event that such encounters are rare, then it would be wasteful of time and resources to train men for such a rarity. Further, it may be the case as argued by Brigadier Meyer<sup>47</sup> that the current rules of engagement are sufficient to deal with any eventuality that may arise. In the event that a soldier comes under fire in circumstances where his own life is threatened, then that soldier may respond utilising lethal force. Such rules encompass any situation and are without distinction as to whether the threat emanates from a child or anyone else. It must be said that this opinion is concurrent with the interviews conducted for this thesis whereby it is concluded that a soldier is understandably protective of his own life irrespective of the threat and its source. Why then single out children as a special entity deserving of special treatment? Further it should be asked what form of training could be devised to meet the needs of this particular case?

In respect of interviews conducted for this thesis, no UK soldier spoke of being involved in any formalised training programme (Soldiers A, B, and C) or indeed of being aware of the existence of any such programme. This conclusion is, however, in contra-distinction to the position that pertained in the US. Here, Soldiers D and F had taken part in formalised training whilst Soldier G was aware of the existence of such a programme although had not taken part therein.

What conclusions are to be drawn? It is perhaps trite to observe that the experience of the US military which has a truly global reach and involvement is more likely to have encountered child soldiers than in the UK example. It must therefore follow that it is more pertinent for the US to devise specific training schemes as a consequence than their UK counterparts. Given the UK position and the rarity of such conflicts it would be difficult to justify the expenditure of scarce resources on schemes which are unlikely to have relevance for the vast majority of UK soldiers; not from the point of view that they would not encounter them, but more from the perspective that it would make no difference to their existing approach.

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<sup>47</sup> Interview 29th October 2008

This view may be fortified by the Israeli experience. As has already been noted, no specific training programmes are dedicated to this issue,<sup>48</sup> yet numerous examples have been cited of child engagement.<sup>49</sup> It is clear that the nature of the Palestinian disturbances in the Occupied Territories provide extensive opportunities for Israeli soldiers to encounter children, but, as has been seen, it makes no practical difference to the manner in which her soldiers conduct themselves. Indeed the only ostensible alteration in the Israeli position is from the point of view of altering their own ROE in order to permit, not prevent, child engagement of those under the age of 18

When the problem of child soldiers and their encounters with regular forces is considered there is a tendency to look at the matter from the perspective of how global civil society and UN agencies describe and approach children so engaged as vulnerable victims bereft of agency.<sup>50</sup> Carpenter is critical for the fact that Transnational networks place 'complex events into a simplistic frame that will capture the attention of a Western audience often ignorant and apathetic to world affairs'.<sup>51</sup> The motivation behind this approach is to create sympathy, funding and to underpin political will as a basis for multilateral intervention.<sup>52</sup> Perhaps this should be a warning that considering children from the perspective of vulnerability and sympathy risks, from the perspective of the Armed Forces, misunderstanding as to the nature of the problem at best and to misleading soldiers and their trainers' at worst.

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<sup>48</sup> Interview with Yossi Mecklenberg on the 15<sup>th</sup> December 2012 at Regents Park College

<sup>49</sup> Ch. 6.

<sup>50</sup> M. Drumbl, *Reimagining Child Soldiers in International Law and Policy*, Oxford UP, 2012, p. 36.

<sup>51</sup> C. Carpenter, 'Women, Children and Other Vulnerable Groups', *Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue*, 49 *Int'l Studies*, Q. 295, 316 (2005).

<sup>52</sup> See, A. Veale, *The Criminal Responsibility of Former Child Soldiers: Contributions from Psychology*, in *International Criminal Accountability and the Rights of Children*, eds. K. Arts & V. Popovski, 2006. p. 97.

## **Child Soldiers: Is it time to regard the law as ineffective?**

### **Hypothesis (v)<sup>53</sup>**

‘Once it was believed that when the cannons roar, the laws are silent’.<sup>54</sup> We now know that the number of international legal norms and conventions are substantial and no more so than when it comes to considering the curiosity, as many would regard it, of the child in battle. The law by its very nature is conservative and slow moving. The modern debate in jurisprudence is very much orientated around the application of a set of rules and norms to a fast changing and complex set of structures at both a national and international level.

At its most basic, the modern law is presaged upon the international state system. For example, all states are required to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.<sup>55</sup> Yet, as we have already seen the nature of warfare is changing. Mary Kaldor has drawn a distinction between what she describes as ‘new wars’ and ‘old wars’.<sup>56</sup> New wars are considered to be anarchic and invariably arise from state breakdown or the disintegration of state institutions. They are, therefore, more likely to occur within a state than between states. The law of armed conflict may apply to such a situation but the body of law that applies is less detailed and very much depends upon the

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<sup>53</sup> International law, domestic law and international convention have little or no utility in dealing with the issue of child soldiers. Why is this so? The use of children in warfare has long been outlawed, yet the numbers employed in combat continue to grow to the extent that child soldiers are present in every conflict zone US forces operate in. It is suggested that the political demands of certain states, groups and causes outweigh moral imperatives and international convention. Children are above all effective, even when utilised unknowingly as is the case in Afghanistan where children are regularly employed to plant improvised explosive devices and in the context of the child suicide bomber. Is the UK obliged to recognise that, in effect, law and convention do not really matter to the issue of the safety of her soldiers and to operational requirements? The imperatives of the battlefield, as in past conflicts, take precedence over the niceties of the law, but what political fallout may result and with what consequence? Within the context of the West, it may be argued that inevitable tensions arise from training and education based upon respect for law, convention and ethical considerations when set against a foe that has no respect for such matters and is willing to use any method, including the use of children to achieve a defined end in battle.

<sup>54</sup> Y. Dinstein, *op cit.*, p.1.

<sup>55</sup> Charter of the United Nations 1945 (UN Charter) Art. 2, para.4.

<sup>56</sup> M. Kaldor, *New & Old Wars: Organized Violence in a Global Era*, Cambridge Polity Press, Cambridge, 1999.

prevailing circumstances<sup>57</sup>. Whilst customary law may apply, internal disturbances and tensions may not amount to armed conflict. It is in this context that children have featured as integral dimensions to such conflicts.

In specific terms, however, the UN Convention on the Rights of the Child which establishes a definition of a child as ‘...any person under the age of 18, unless under the law applicable to the child the age of majority is attained earlier’,<sup>58</sup> is one of the most broadly ratified treatise of all time.<sup>59</sup> Perhaps one would be forgiven for thinking that this is a consequence of the fact that there is widespread agreement as to its aims and principles. It is the contention of this thesis that this is, in fact, a misconception and there are many difficulties in the universal application of such a treaty.

The basis and starting point of the Convention is the intention of promoting the best interests of the child,<sup>60</sup> and not what necessarily conforms with social norms in a given country or set of circumstances. One may ask, is this a realistic position and one that is capable of being applied as a working definition across all nations, let alone all conflicts. Further, is it realistic to regard the end of childhood and the commencement of adulthood at a particular age, here 18? It has been pointed out that utilising age markers conflicts awkwardly with demographic realities. In many Third World countries children comprise half of the population and in societies racked by conflict the percentage may be even higher.<sup>61</sup> Is it not therefore reasonable to assume, whatever the provisions of the law are concerned, that a substantial proportion of young people under the age of 18 are likely to join or be co-opted into a military role by force of circumstances and as a consequence of the fact that they form the majority?

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<sup>57</sup> The Manual of the Law of Armed Conflict, UK Ministry of Defence, Oxford UP., Internal Armed Conflicts, p.31.

<sup>58</sup> G.A. Res. 44/25, Art.1, Annex, UN Doc.A/RES/44/25 (20<sup>th</sup> November 1989)(came into force 2<sup>nd</sup> September 1990).

<sup>59</sup> Not ratified by the US or Somalia.

<sup>60</sup> Art. 3(1).

<sup>61</sup> M. Drumbl, *op cit*. The illustration is given that in the Democratic Republic of the Congo 47.1% of the population is under 18 (2005 data) whilst in Uganda the figure is 50.5% (2005 data). Life expectancy in Sierra Leone is reported as 33 years for men and 35 years for women.



The reason why the age of 18 is adopted is because it sets out a divide between the adult and the child. Whilst this may be understandable in a Western context, is it so in developing nations and those the subject of conflict? Put another way, childhood in such societies is not susceptible to such a rigid divide. Cognitive abilities, rites of passage, abilities to serve in the labour force or participation in conflict are factors which are heavily contextualised and which are not reflected by the law as it is presently drafted. Even in advanced Western societies neurobiological functions continue to develop beyond the age of 18 and as a commentary is well established and well known. Further the various categories of child, adolescent, youth and adult are what has been described as ‘porous’,<sup>62</sup> and are particularly so during conflict. There is little doubt that ‘legal imagination’ feels comfortable with the categorisation of people as adult or child. It is simple to understand, easy to apply and removes many of the difficulties of contemplating cognitive abilities upon which age may have a bearing. The more relevant question is to ask whether or not it is appropriate in consideration of child soldiers and those who make up their numbers in an international setting? I consider that the answer is ‘probably not’. It may be argued that this is the best that can be devised in the circumstances, to which I would respond that to devise a legal scheme which is either too generalised or misapplied is potentially worse than to have no system at all, and which potentially brings about injustice.

Other legal difficulties may also arise in the application of the law to children. It is well established that International Courts charged with considering war crimes have set their face against permitting the defence of duress to be raised.<sup>63</sup> In UK domestic law the same principle applies to a child charged with murder and attempted murder, however susceptible the child may be to duress.<sup>64</sup> Is this a realistic position, however, which inflates childhood to cover all fighters under the age of 18 at which point adulthood begins. It may be argued that international law and UK domestic law are congruent, yet whilst domestic law restricts the defence of duress in murder and attempted murder cases as a function of public policy; it is surely inapposite to apply

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<sup>62</sup> M. Drumbl, *ibid.*, p. 48.

<sup>63</sup> See for e.g. *Prosecutor v Erdemovic* Case No. IT-96-22-A; Appeals Judgment (ICTY Appeals Chamber, 7<sup>th</sup> October 1997). For a statement of the modern law of duress as a defence: see *Archbold Criminal Pleading, Evidence and Practice* 2013, para. 17-119, p. 1892.

<sup>64</sup> *R v Wilson* [2007] 2 Cr. App. R. 31 CA.

the same principle to the context of warfare and armed conflict. In fact a curious dichotomy arises as between the law which is designed to protect children from involvement in armed conflict by making it a war crime to so recruit them; and the practice to deny a common defence to a child who may have been the subject of duress in and about his or her recruitment and what that child is required to do by those who seek to recruit them. Indeed it is often argued that children are forcibly recruited, and to save their own lives simply comply with recruitment demands even to the extent of participation in atrocities.

The modern law proceeds upon the footing that children do not know the nature of their acts and are persons who require protection. Historically under UK law a child aged between 10 and 14 years was incapable of committing an offence upon the presumption of *doli incapax* now abolished. Modern research is now questioning this basic premise. In a recent study by UNICEF<sup>65</sup> young persons who had been involved in conflict were asked about their knowledge of the laws of war and matters relating to human rights. Many had an understanding of the basic ideas of what laws were attempting to achieve. Many had demonstrated an ability to act with restraint in stressful circumstances, and were aware when they may have acted in cruel fashion as opposed to what may be regarded as a more dignified and appropriate response.

If this research is correct and is considered alongside deficiencies in the law as presently constituted perhaps it is time to question the utility of the law as it seeks to prevent the recruitment of children. In the first place, by superimposing the rigid divide between adult and child the law risks becoming a cumbersome and blunt instrument ill-tuned to dealing with the practical exigencies that pertain; and in the second it is based upon presumptions about children which may prove to be false.

Law by its nature is not static, but is a constantly evolving structure that moves to deal with force of circumstances. In recent years 2 major pieces of international principle which have sought to refine and re-target the fight against child recruitment.<sup>66</sup> Firstly

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<sup>65</sup> UNICEF, *Adult Wars, Child Soldiers: Voices of Children in Armed Conflict in the East Asia and Pacific Region* 19 (2002).

<sup>66</sup> That is to say the instruments are not binding law.

the Cape Town Principles and Best Practices in 1997,<sup>67</sup> and secondly the Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups in 2007.<sup>68</sup> The purpose behind these documents is to redraw the definition of who is considered a soldier to cover children who do not carry weapons at all yet who are involved indirectly in conflict, such as auxiliary activities of those forced into sexual servitude. The latter category is to encompass girls,<sup>69</sup> whilst attempting to move the definition from state militaries in the official sense to armed groupings which may include protest movements, and insurgent actors.

It does not necessarily follow that the attempt to widen the definition is workable at a practical level. Drumbl suggest that to include such a broad range of activities in one unitary protected category risks conduct of each child soldier as becoming confusingly analogized.<sup>70</sup> The purpose behind any assessment of criminal responsibility is to assess role and ultimate criminality. Is it to be suggested that there is no distinction between a child who is employed as a porter, and a child who is employed as a front line soldier? It appears that in an attempt to devise a simple and single working definition important issues are made more complex by a principle designed to fit all circumstances. Other difficulties arise from how the term ‘armed group’ is defined. Is it a function of size or is it a function of how significant a threat it has become? The law provides no coherent answers and does not appear to cover drug cartels. Further, the law does not distinguish between a criminal gang and an armed group intent on overthrowing an incumbent regime.

There is little doubt that the practical effect of international law in preventing or circumscribing the use of child soldiers has a mixed and patchy history. Whilst nobody would decry the existence of the law and convention and would acknowledge its worthy aims, from a Western perspective it cannot be said to be a panacea.

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<sup>67</sup> [www.unicef.org/emerg/files/Cape\\_Town\\_Principles](http://www.unicef.org/emerg/files/Cape_Town_Principles) (27th - 30th April 1997).

<sup>68</sup> [www.child-soldiers.org/childsoldiers/Paris\\_Principles\\_March\\_2007](http://www.child-soldiers.org/childsoldiers/Paris_Principles_March_2007).

<sup>69</sup> The definition that is adopted is thus: ‘children associated with armed forces or groups’.

<sup>70</sup> M. Drumbl. *op cit.*, p. 43.

## **An Afterthought**

The themes explored in this thesis and their subjects are on one view, depressing. War and its practice are universally destructive. Where the young are involved in the execution of war, and utilised to fulfil its aims in whatever capacity, mankind should take notice. Many pay lip service to the need to create effective measures to prevent the recruitment of children; many are involved in continuing and promoting the practice for their own ends; many of which are malign ones.

I have concluded that notwithstanding variations in numbers and recruitment, the incidence of the child soldier is likely to continue in various forms and to probably accelerate as intra-state conflict increases. The practical means of confronting the problem is not obvious; there is no agreement upon legal definitions even leaving aside problems of enforcement, and there is evidence drawn from the experiences of the UK, the US and Israel that their soldiers will engage children where necessary in protection of their own lives and interests and will not flinch from so doing. In other words to engage a person irrespective of the age or sex of the aggressor. I do not suggest that this is anything other than a depressing conclusion: it is a practical one we all should recognise.

It is suggested that it is not the function of any research work to solve that which is insoluble. It is, however a legitimate exercise to draw attention to the manner in which the child soldier issue has been considered and the structures that are in place to deal with the problems they raise and which thus far will in all probability fail.



## INTRODUCTION: CHILD SOLDIERS IN WARFARE

### An Overview

Recent evidence reveals that there are 300,000 children serving as combatants in almost 75% of the world's conflicts.<sup>1</sup> The problem is much wider than children recruited by armed forces organised upon a national basis, but stretches to those organised within rebel and opposition groups. As Singer observes, 60% of non-state armed groups operating in the world utilise children as a matter of course.<sup>2</sup> Children, moreover, are particularly in demand in relation to terrorist organisations including al-Qaeda, perhaps as a consequence of the ease by which they can be recruited and indoctrinated or perhaps because of their special utility as fighters. The International Institute of Strategic Studies refers to conservative intelligence estimates that indicate al-Qaeda is present in over 60 countries and that since 1996 at least 20,000 jihadists have been trained in Afghanistan camps,<sup>3</sup> and many of which resort to suicide attacks.<sup>4</sup> In terms of raw numbers, of ongoing or recently ended conflicts in 2002, 68% have children under the age of sixteen serving as combatants, and in 80% of such conflicts, child combatants were present who were under the age of fifteen.<sup>5</sup>

A more recent example derived from the ongoing Afghan conflict is given of a 14-year-old boy, Shakirullah Yasin Ali, described as 'small and frail' recruited through a madrassa at which he attended and that was run by two mullahs, to attack British and American forces because '... (They) were against God.'<sup>6</sup> The means by which the attack would take place was that of suicide bombing. Shakirullah provides no detail as to why he was prepared to carry out such an assignment other than that '... (he) would get justice for all the people being killed.' This example is by no means isolated, since the humanitarian organisation 'Child Soldier International' portrays

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<sup>1</sup> Research originally conducted by the Quaker Offices in Geneva, 1998.

<sup>2</sup> P. Singer, *Children at War*, Univ. of California Press, Berkeley, 2006, p. 30. Within this thesis the term 'child' is defined as a person under the age of 18 as defined by Article 1, para. 2.2 of the UK's *First Report to the UN Committee on the Rights of the Child*, HMSO, February 1994, p.14.

<sup>3</sup> *An Evaluation and Forecast of World Affairs, IISS Strategic Survey, 2003/4*, Oxford UP., Oxford, May 2004, p.6.

<sup>4</sup> *The Annual Review of World Affairs, IISS Strategic Survey 2008* Routledge, London, 2008, p. 297.

<sup>5</sup> R. Barnen, *Childwar Database, SIPRI Yearbook 2002: Armaments, Disarmament and International Security*, Oxford, Oxford UP, 2002.

<sup>6</sup> *The Independent*, 10<sup>th</sup> June 2008.

children in Uganda as being ‘harvested’ by armed factions particularly in the northern part of the country because they are vulnerable and can be easily manipulated.<sup>7</sup>

What is the explanation behind the growth in the use and deployment of children? The immediate impact of the end of the Cold War shifted the focus of power in some states by leaving client regimes unsupported and releasing a tide of Cold War materiel onto global markets.<sup>8</sup> In particular, the end of the Cold War acted against the Sub-Saharan African states in their search for foreign investment, whilst it became increasingly possible for their communities to see how deprived they were in the scale of social endowment.<sup>9</sup> Given such a context, it is not surprising that terrorist groups thrive in such environments whilst the recruitment of children in the furtherance of their causes are not only cheap but plentiful to the extent that children now provide a new alternative to adult recruiting pools.<sup>10</sup> The self-proclaimed Taliban leader has recently stated by way of defending a policy of training boys as young as nine to become suicide bombers; that such persons are ‘... the nuclear weapons of (the Taliban)’, and claims that such children are discriminate in relation to the targets they select, unlike, as he further claims, the measures adopted by the west that are by contrast, indiscriminate.<sup>11</sup>

The employment of children in warfare operates at three specific levels. In the first instance, on behalf of the of the legitimate government; in the second, at the behest of insurgent and terrorist groups, including those defined as ‘super terrorists’,<sup>12</sup> and having a defined political objective, perhaps with global reach; and at a third level, on behalf of criminal gangs who have no political objective, but whose organisations are intent upon self-interest and mercenary motives.

Notwithstanding the existence of international law, the reason why children are recruited by insurgent, terrorist and criminal gangs is more easily explained than in the case of the nation state. The former are not bound by international conventions to

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<sup>7</sup> D. Rosen, *Armies of the Young: Child Soldiers in War and Terrorism*, Rutgers UP, 2005, p. 16.

<sup>8</sup> J. Mackinlay, *Globalisation and Insurgency, IISS Adelphi Paper 352*, Oxford UP, Oxford, 2002, p. 15.

<sup>9</sup> J. Mackinlay, *ibid.* p. 23.

<sup>10</sup> P. Singer, *op cit.*, p. 54.

<sup>11</sup> *BBC 2 Newsnight Programme*, 24<sup>th</sup> July 2008.

<sup>12</sup> L. Freedman, ‘The Third World War’, *Survival, IISS*, Vol. 43, No. 4, Winter 2001-2002, p. 73.

which they are not parties. In addition to the plentiful supply of children, small arms have improved in terms of their lethality and simplicity. Today a handful of children can now have the equivalent firepower of an entire regiment of Napoleonic infantry.<sup>13</sup> Illicit arms transfers have expanded since the disintegration of the Soviet Union, whilst huge stocks of military equipment, sometimes vulnerable to theft in poorly guarded facilities, and sold with little regard for the purchasers' bona fides have added to the concerns.<sup>14</sup> Since 1980 more than 50 countries have experienced significant periods of conflict with civilians accounting for at least 90 percent of the casualties. In many instances, conflict has caused a complete breakdown of the state, and some 30 countries have had more than 10 percent of their populations displaced.<sup>15</sup> This latter point underlines how easy it is for the insurgent to operate, and, in many instances, to recruit those displaced. The problem is compounded by the fact that as states disintegrate, so do armies and chains of command,<sup>16</sup> whilst forced recruitment a not uncommon feature of campaigns designed to intimidate local communities continues unabated.

Insurgent and terrorist groups offer an attractive option to displaced children having no home and no ostensible means of support. They provide a home and comradeship; they provide respect for the individuals concerned, and a potentially more attractive lifestyle option than what destitute and starving children might otherwise expect. It is noted that in a recent survey of child soldiers in four African countries 64% joined without any threat of violence.<sup>17</sup> In such cases, such groups point to the fact that they break no moral codes, even although international law is clear as to its prohibition. It is also clear that given the incidence of violence in the third world and the displacement of populations, children will have suffered the effects of warfare. Conflict and the militarization of daily life, including police patrols, curfews, armed

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<sup>13</sup> P. Singer, op cit., p. 47.

<sup>14</sup> J. Husbands, 'The Proliferation of Conventional Weapons and Technologies', in *Grave New World, Security Challenges in the 21<sup>st</sup> Century*, ed. M. Brown, Georgetown UP., in cooperation with the Center for Peace and Security Studies Edmund A. Walsh School of Foreign Service Georgetown U., Washington DC., 2003, p. 69

<sup>15</sup> 'Post-Conflict Reconstruction in Context: The Impact of Conflict', *The International Bank for Reconstruction and Development*, Washington DC., 1<sup>st</sup> April 1998, pp. 2 & 15.

<sup>16</sup> M. Ignatieff, *The Warrior's Honor, Ethnic War and the Modern Conscience*, Chatto & Windus, London, 1998, p. 6.

<sup>17</sup> 'Wounded Children: The Use of Children in Armed Conflict in Central Africa', *International Labor Office*, Geneva, 2003.



checkpoints and military censorship are already part of their everyday experience.<sup>18</sup> Such extremes of violence, including summary executions, disappearances and death squads, produce in young and impressionable people a desire for revenge and a need to substitute an annihilated family or social structure.<sup>19</sup> The armed group may provide that structure, and what appears to be a vicious circle begins again. In this world of war, doctrines of human rights, respect for others and legality have little or no purchase.<sup>20</sup>

There exists much research and comment upon the general question as to how children may be protected, usually by operation of law; and from a sociological perspective as to how children exposed to and damaged by conflict may be reunited into conventional society. Equally, there is substantial general scholarship dedicated to confronting the issue at a supranational level, including the need to tackle third world debt, the relief of poverty and the increased input of charities. The objective of this research is to look at the problem from an altogether different angle. Given the growth of the presence of children in modern armed conflicts, with, as Graca Machel observes ‘... more of the world being sucked into a desolate moral vacuum,’<sup>21</sup> the reality is that the world will have to recognise the fact that children and young persons are an integral part of the modern battlefield and are likely to remain so in increasing numbers.

What is the modern battlefield of which child warriors form part? Philip Bobbitt in his book entitled *Terror and Consent*<sup>22</sup>, questions whether the West knows how to win wars against terror in contrast to the manner in which the West was organised to defeat the Axis in the Second World War, or the Soviet Union at the end of what he terms ‘... the Long War of 1914-1990.’<sup>23</sup> In particular, Bobbitt notices that market state terrorism ‘... is likely to be as global, networked, decentralised, and devolved

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<sup>18</sup> I. Cohn & G. Goodwin-Gill, *Child Soldiers, The Role of Children in Armed Conflicts: A Study on behalf of the Henri Dunant Institute*, Geneva, Clarendon Press, Oxford, 1994, p. 31.

<sup>19</sup> Ibid., p. 32.

<sup>20</sup> M. Ignatieff, op cit., p.6.

<sup>21</sup> G. Machel, ‘Impact of Armed Conflict on Children’, ‘Children of the Gun’, *UN Report of the Office of the Secretary General*, Document A/51/306 & Add.1, 26<sup>th</sup> August 1996.

<sup>22</sup> P. Bobbitt, *Terror and Consent, The Wars for the Twenty-First Century*, Allen Lane, Penguin Books, London, 2008.

<sup>23</sup> Ibid., p. 11.

and to rely just as much on outsourcing and incentivizing as the market state.’<sup>24</sup> In the context of a Western response to the transnational agenda of groups such as al Qaeda, the suicide bomber is the ideal weapon for the outsourcing market state in a globalised world to attack Western targets. Bobbitt observes ‘...All the network advantages of redundancy, interoperability, diversity, and decentralized command and control are maximized by the outsourced suicide bomber.’<sup>25</sup>

Numerous examples exist in which Western forces have encountered child soldiers both historically and in modern times, including Vietnam, the Gulf Wars, Afghanistan, Sierra Leone, Northern Ireland, Kosovo, Liberia, Ethiopia and Nazi Germany: they provide practical examples of the nature of the problem. Yet the engagements of children by modern forces present a number of more difficult questions. As Richard Holmes illustrates from his examination of recent testimonies of British soldiers serving in Iraq: ‘Some found it impossible to shoot youngsters.’ Trooper Ken Boon (describes) ‘... a young lad in his early teens (who) threw a grenade. I could have shot him easily but instead I took cover because I can’t kill a child that had probably been told to throw it. Luckily it never went off and I was very shook up after that.’<sup>26</sup>

Over the last twenty years British Forces have been called upon to confront contingents of child soldiers in a variety of deployments in Iraq, Afghanistan and parts of Africa including the Democratic Republic of the Congo and Sierra Leone. In the United Kingdom itself the National Security Strategy seeks to quantify the threat of terrorism, placing it first in the list of ‘threats and risks.’<sup>27</sup> The study suggests that ‘the UK faces a serious and sustained threat from violent extremists, claiming to act in the name of Islam.’ Networks and individuals aspire to cause mass casualties, to mount suicide attacks, to use chemical, biological and radiological weapons, to target critical national infrastructures, and to use new methods including that of electronic attack. Many such threats not only utilise children, but are conceived upon their very availability and adaptability to such tasks. It is perhaps arguable that such children are not soldiers at all, but are merely ‘civilians’ engaged in enterprises that are better

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<sup>24</sup> Ibid., p. 45.

<sup>25</sup> Ibid., p.53.

<sup>26</sup> R. Holmes, *Dusty Warriors, Modern Soldiers at War*, Harper Perennial, London, 2007, p. 317.

<sup>27</sup> *IISS Strategic Survey 2008*, Routledge, London, 2008, p. 160.

dealt with by police and law enforcement agencies rather than military operations. However, the scale and nature of the child-soldier phenomenon suggest otherwise.

It is hypothesised that the incidence of child soldiers is a growing phenomenon, despite the existence of legal prohibitions forbidding such deployment. As to the British experience it has been pointed out that ‘... current British Military Doctrine makes no mention of child combatants and thus seems to suggest that British forces have no official policies on dealing with child soldiers, nor do they dedicate any specific training to the subject. This would seem a doctrinal gap when account is taken of the fact that British peacekeeping forces have on occasions been deployed in regions where child soldiers are utilised.’<sup>28</sup>

Reliance is often placed by commentators and the military upon the provisions of international law as a means by which forces may be protected from the incidence of child soldiers. There is no doubt, as shall be seen, that international law is well-developed and applicable across the globe, yet as Jenny Kruper has indicated, international humanitarian law does not necessarily keep up with the changes in the nature of warfare,<sup>29</sup> and many nations and armed groupings for their own political and military ends, largely determined by self-interest, choose not to comply with its terms.

This thesis is an attempt to consider whether a doctrinal gap exists in the case of British Armed Forces. It would be beyond the scope of this work to suggest the likely future deployments of UK forces, or the manner in which the existing threat of terrorism is likely to manifest itself in Britain, yet the manner in which British Forces may be called upon to fight, the manner in which they are organised and trained in the future upon the modern battlefield forms a central theme.

One possible approach to the problem is to explore it from the perspective of current training programmes within the British Army, and with particular reference to its current rules of engagement. In addition to an investigation of such programmes at

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<sup>28</sup> A. Mircica et al. ‘The Psychological Well-Being of Professional Armed Forces Personnel Child Soldiers: A Literature Review,’ *Research Acquisition Organisation*, Defence Academy, Shrivenham, Swindon, carried out under the terms of Enabling Contract No. RT/COM/4/008, p. 8.

<sup>29</sup> J. Kruper, *Military Training and Children in Armed Conflict: Law, Policy and Practice*, Nijhoff, Amsterdam, 2005, p.98.

the basic and higher level, a series of interviews with soldiers utilising questionnaires designed for the purpose have been conducted together with an examination of contemporary documentation. The questionnaires are intended to cover a sample of the spectrum of the British experience, and directed to infantry commanders and infantrymen. A comparative survey of the experience of the US and Israeli experience utilising a similar medium was similarly conducted. By this method the following questions are addressed: -

- (1). the extent to which the issue of child soldiers present a threat to regular forces?
- (2).the theatres of war and the strategic contexts in which such soldiers may be deployed?
- (3). upon a comparative basis, how have other western forces engaged with the problem as I have defined it, and how have such forces modified their training programmes and their rules of engagement to suit the context of their respective deployments?
- (4). what lessons can be learnt from the experience of other forces, and how may they be applied to future deployments of western forces and likely experience of British forces?
- (5). what psychological manifestations have arisen from the recent experience of British forces in engaging child soldiers?

### **Children and Conflict**

Within modern western society there is an assumption that children are special. They are properly regarded as ‘...naturally and typically resident in the non-political sphere, namely of the innocent, weak and vulnerable, in families and houses, schools and workplaces.’<sup>30</sup> They demand and require special protection. This thesis and its research, is concerned with the issue of the child that fulfils the role and function of a

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<sup>30</sup> H. Brocklehurst, *Who's Afraid of Children? Children, Conflict and International Relations*, Ashgate, Aldershot, 2006, p. 140.

combat soldier operating in the modern world. Yet the very notion of a 'child soldier' is the antithesis of what society regards as a soldier, since modern society, for good reason, regards a 'child soldier' as not only peculiar but a political anomaly. A curious dichotomy however arises, since although armed children are able to wield significant military power and pose a real threat to regular forces, they also attract comment as victims and '...as the ultimate essentialized civilians in need of humanitarian and/or political assistance.'<sup>31</sup>

The battlefield is the traditional stage upon which the soldier carries out his duty. As Keegan and Holmes have pointed out, although 'much ... in life is terrible and terrifying ... in no other circumstances than the battlefield does man confront the knowledge that he is present in that place for the purpose of suffering death at the hands of fellow man, and that he must kill if he is not to be killed himself.'<sup>32</sup> It is also clear that the battlefield is a place without either mercy or pity, and where emotions admired by humanity such as gentleness, compassion and tolerance '...have room to neither operate nor place to exist.'<sup>33</sup>

There is no doubt that it is apposite to apply the idea of a 'child' requiring special protection or as a potential 'victim' to the context of a modern liberal democratic society, based upon respect for the traditions of human rights and the rule of law. Within our own jurisdiction for example, the right of a child to enjoy family life is the subject to specific guarantee.<sup>34</sup> Examination of history reveals another interpretation: children were neither regarded as special nor deserving of special protection. Indeed, the contrary was invariably the case where children were made the subject of acts of brutality and deliberate targeting. Some examples provide a historical context.

As part of the Norman Conquest, William the Conqueror carried out a series of campaigns in order to cement his authority. One such campaign is commonly referred to as the 'Harrying of the North' (1069-1070). The campaign was directed, not only at those perceived to be direct 'enemies', but also at communities by means of the ravaging of contested territory, a common method of medieval subjection. It is

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<sup>31</sup> Ibid.

<sup>32</sup> J. Keegan & R. Holmes, *Soldiers, A History of Men in Battle*, Guild Publishing, London, 1985, p. 21.

<sup>33</sup> Ibid., p. 21.

<sup>34</sup> European Convention of Human Rights: Article 8.

recorded that ‘... (William) commanded that all crops and herds, chattels and food of every kind should be brought together and burned to ashes with consuming fire, so that the whole region north of the Humber might be stripped of all means of sustenance...In consequence ... more than 100,000 Christian folk of both sexes, young and old alike, perished of hunger.’<sup>35</sup> The following century during the crusades, before the crusaders reached the Middle East, the traditional start to any expedition was to attack Jewish communities in Europe, even to the extent of wiping out whole communities, including ‘... tender children of whatever age or sex.’<sup>36</sup> Other historical examples indicate how children were specifically targeted as a consequence of being children. Foremost among them arguably arises during the invasions of King David I of Scotland (1138), during which the blood of slaughtered children was drunk from a stream: the stream being specially dammed to provide a receptacle for this purpose.<sup>37</sup>

It could well be said that such examples tell us less about children per se but more about the historical period to which they belong. This was a time of trial by ordeal, of trial by battle introduced by the Norman Conquest, the exercise of capital punishment in a variety of bloodthirsty forms and, in so far as England was concerned, a country that suffered from anarchy, plague and revolt. If life was ‘nasty, brutish and short’ in the Hobbesian sense, why should children be treated any better or regarded any differently than other members of the population?

It is generally accepted that the first recorded occasion when children were deployed as soldiers in warfare is 1212 when a contingent referred to as the ‘Children’s Crusade’ set out to join Christians fighting to capture the Holy Land.<sup>38</sup> Singer points out that this was not a case of children at war, but a march of mostly unarmed boys from northern France and western Germany who sought to take back the Holy Land by what was described as ‘...the power of their faith’<sup>39</sup>.

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<sup>35</sup> Orderic Vitalis, *The Ecclesiastical History*, ed. and trans. M. Chibnall, Oxford UP., Oxford, 1969-81, p. 230.

<sup>36</sup> S. McGlynn, *By Sword and Fire, Cruelty and Atrocity in Medieval Warfare*, Weidenfeld and Nicholson, London, 2008, p.153.

<sup>37</sup> Ibid. p. 216.

<sup>38</sup> H. Brocklehurst, op cit., p. 33.

<sup>39</sup> P. Singer, op cit., p. 12.

What does emerge, however, across the sweep of history up to and including our own time is how children have been exploited, barbarism and military recruitment notwithstanding and despite the slow but gradual development of national and international legal structures designed to protect them. In his study of Fijian warfare in the nineteenth century, Carneiro has pointed out that cannibalism was an important element of warfare at that time. Captives were ordinarily devoured, and cannibalism did not respect sex or age, with captive women and children being eaten just as readily as men.<sup>40</sup> During the course of the same century the US Civil War was a war of child soldiers. The example exists of a child as young as eight enlisting in the Ohio Volunteer Infantry,<sup>41</sup> although Singer cautions against what he describes as ‘historic myth’ by making the distinction between children that were an integral part of the armed forces in which they served, and those who performed supporting and subsidiary roles.<sup>42</sup> Nonetheless, the fact remains that it has been estimated that out of a total of 2.7 million soldiers involved in that conflict, more than a million were under the age of 18, with 300,000 being under the age of 13.<sup>43</sup>

The American experience is instructive since it was in that conflict that the first hesitant steps were taken to regulate by law the manner in which warfare came to be fought, recognising, from a humanitarian point of view what was acceptable and what was not. The Lieber Code of 1863 instituted in order to control the use of poisons in war declared that ‘... the use of poison in any manner be it to poison wells, or food or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and the usages of the law.’<sup>44</sup> Enlightening this may have been in relation to a particular type of weapon system, but in so far as the deployment of children is concerned as part of regular forces, there is scant evidence to suggest that children were distinguished from adults.

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<sup>40</sup> R. Carneiro, ‘Warfare in Fiji and the Cauca Valley’, in R. Ferguson, *The Anthropology of War*, Cambridge UP, Cambridge, 1990, p. 204.

<sup>41</sup> M. Banks, ‘Avery Brown (1852-1904), Musician: America’s Youngest Civil War Soldier’, *America’s Shrine to Music Newsletter*, February 2001.

<sup>42</sup> P. Singer, *op cit.* p. 15.

<sup>43</sup> D. Burke, *The Civil War: Strange and Fascinating Facts*, Grammercy, New York 1991, p. 263.

<sup>44</sup> US War Dept. General Orders 100, 24<sup>th</sup> April 1863, Art. 70.

It is perhaps trite to observe that the written history of the world is, in the main, a history of warfare.<sup>45</sup> This stark reality is probably a function of the fact that the means by which the world lives, and the state system that rules the vast majority of the world's population, was forged and maintained through violence, violence that has increased in scale and severity throughout history. In his study of the history of warfare, Richard Weigley has identified what he describes as the 'chronic indecisiveness of warfare' as being responsible for '...the spontaneous resort to deeper and baser cruelties,'<sup>46</sup> especially during the seventeenth, nineteenth and twentieth centuries as the mass militarization of populations became ever more common in an attempt to break the deadlock engendered by the developing industrialised world. In particular, Keegan points out that mass militarization in the poor world resulted not in liberation but, on the contrary to the entrenchment of oppressive regimes.<sup>47</sup>

### **The Recruitment of Children – A Problem of Definition?**

A child is a person under the age of 18 years. This definition derives from international law, and in the case of the UK, is set out within *The UK's First Report to the UN Committee on the Rights of the Child*.<sup>48</sup> In conformity with the *Optional Protocol to the Convention on the Rights of the Child* that was formulated by the General Assembly in 2000, contracting parties are obliged to take such steps to ensure that children under the age of 18 are not compulsorily recruited into the armed forces of those contracting parties,<sup>49</sup> and further steps to ensure that such persons do not take a direct part in hostilities.<sup>50</sup>

Although this chapter will consider the detail of international legal protection for children within a different context, one of the more depressing conclusions to be derived from this subject is the fact that without prejudice to the development of

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<sup>45</sup> J. Keegan, *A History of Warfare*, Hutchinson, London, 1993, p. 386.

<sup>46</sup> R. Weigley, *The Age of Battles, The Quest for Decisive Warfare from Breitenfeld to Waterloo* Bloomington, Indiana UP., Indiana, 1991, p. 543.

<sup>47</sup> J. Keegan, *op cit.*, p. 57.

<sup>48</sup> See in particular Article 1, para. 2.2 of *the First Report to the UN Committee on the Rights of the Child*, HMSO, February 1994, p.14.

<sup>49</sup> Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000, ILM 1286, 1287 (2000) (Article 2).

<sup>50</sup> (Article 1), 1287.



sophisticated legal structures, the deployment of children has continued to grow at a rapid rate, and upon the scale already mentioned. Significantly, certain states and armed groups, perhaps for differing reasons, appear not only content to recruit children, but follow such a course as part of their active policy. In the recent past the regime of Saddam Hussein recruited boys as young as ten, following their indoctrination with Ba'athist Party ideology to become known as 'Ashbal' Saddam, or Saddam's Lion Cubs. The famous account of Ishmael Beah, a 13-year-old boy being recruited into the government militia of Sierra Leone;<sup>51</sup> the policies of Hamas and other militant Palestinian Groups actively recruit children for the purposes of suicide bombings and other acts of terrorism, and the example exists of two children, one eight years of age, attacking an Israeli settlement in Gaza in the name of martyrdom.<sup>52</sup>

Given the relative sophistication of international legal structures designed to protect children, the question arises as to why so many signatories to such instruments honour them by breach? In the cases of Afghanistan and Iraq, both are signatories to *the First, Second, Third and Fourth Geneva Conventions of 1949* ('*the 1949 Convention*'), Sierra Leone is a signatory to not only *the 1949 Convention*, but also *the Additional Protocol I of 8<sup>th</sup> June 1977*, *the Additional Protocol II*, and *the African Charter on Human and Peoples' Rights, 1981 (the Banjul Charter)*. Similarly, Somalia is a signatory of *the 1949 Convention*, *the Banjul Charter*, and is additionally a signatory to *The International Covenant on Civil and Political Rights, 1966*. It is suggested that it is not necessarily the case that such nations have no regard to the obligations to which they are signatories; it is more likely to be a function of the political circumstances that pertain in those nations that make breaches almost inevitable.<sup>53</sup> Ignatieff points out that the West proceeds from a universalist ethic based upon ideas of human rights, whilst the nations that are cited as examples, start from a particularist ethic that defines the tribe, the nation, or ethnicity as the limit of legitimate moral concern.<sup>54</sup> Further, it is an all too obvious a feature within the

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<sup>51</sup> I. Beah, *A Long Way Gone, Memoirs of a Boy Soldier*, Fourth Estate, London. 2007, especially pp. 105-113.

<sup>52</sup> See D. Rosen, op cit., Ch. 4 'Fighting for the Apocalypse, Palestinian Child Soldiers', p. 92.

<sup>53</sup> By way of example Afghanistan is a signatory to the Convention on the Rts. of the Child as well as the First, Second, Third and Fourth Geneva Conventions of 12<sup>th</sup> August 1949, the International Covenant on Civil and Political Rts. 1966 yet within its jurisdiction children are regularly employed in large and increasing numbers in combatant roles.

<sup>54</sup> M. Ignatieff, *The Warrior's Honor, Ethnic War and the Modern Conscience*, Chatto & Windus, London, 1998, p. 6.

context of international society that child soldiers are particularly prominent within weak, corrupted or quasi-states where terrorist networks find safety.<sup>55</sup> In many instances these phenomena are a consequence of European decolonisation, a process that resulted in the creation of new states that lacked legitimate institutions and borders. Much the same problem resulted following the collapse of the Soviet Union and Yugoslavia. It is significant that since the end of the Second World War the preoccupation of the Security Council has been with the problem of Civil War as opposed to international conflicts, their incidence and the manner in which they are fought.<sup>56</sup>

Any nation, however cynical a stance it may choose to adopt in the formulation of its own national policies must have some regard to world opinion, its moral codes and laws. The extent to which financial aid is offered by the West may be dependent upon the extent to which a particular state is prepared to follow international norms and demonstrate a satisfactory human rights record. What is striking, however, is the extent to which in the post-war world at least, the incidence of child soldiers is manifest in the developing world or in nations which are impoverished from a financial, political or social perspective. Some have been made the subject of reference in this chapter. In 1991 the Swedish Red Cross and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law convened a conference entitled 'Children at War'.<sup>57</sup> In addition to expressing deep concern that children are permitted to take part in hostilities, the Council of Delegates requested the Henri Dunant Institute to study the issues of recruitment and participation of children as soldiers in armed conflict and advise upon measures to reduce such participation. The study conducted field research to identify state and non-state entities that recruit children, and to identify the factors that are pertinent to their participation.<sup>58</sup> In particular, conflicts in selected countries, namely: El Salvador, Guatemala, the Israeli occupied territories, Liberia and Sri Lanka were chosen for the purpose of individual

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<sup>55</sup> K. Menkhaus, Somalia: State Collapse and the Threat of Terrorism, *IISS Adelphi Paper 364*, Oxford UP, Oxford, 2004, p. 71.

<sup>56</sup> A. Roberts & D. Zaum, Selective Security, War and the United Nations Security Council since 1945, *IISS Adelphi Paper 395*, Routledge, London, 2008, pp. 33-36.

<sup>57</sup> Children at War, Report from the Conference on Children at War, Stockholm, Sweden, 31<sup>st</sup> May – 2<sup>nd</sup> June 1991, *Raoul Wallenberg Institute*, Report No. 10. Lund. 1991.

<sup>58</sup> Resolutions adopted by the Council of Delegates, November 1991, *Red Cross*, Jan-Feb, 1992, pp. 41-42.

case studies. Other countries, the subject of study, include Ethiopia, Mozambique, Peru and the Sudan. The point is well demonstrated that child soldiers are deployed in nations having much in common: the incidence of internal conflict, a break down in government authority and the law. Notwithstanding the fact that the nations which were the subject of the study are signatories to international conventions prohibiting the use of child soldiers, each for example are signatories, inter alia, to *the 1949 Convention*, the problem continues.

Given the Third World dimension of the incidence of child soldiers, the problems of civil war as a consequence of decolonialisation in the post war world, the growth of ‘universal interdependence’,<sup>59</sup> and the fact that international law proceeds from the universalist perspective already mentioned, the question that needs to be addressed is whether it reasonable to expect nation states in the Third World to apply laws protecting young people to their own population? It should be borne in mind that this is not an issue of regarding the Third World as being ‘backward looking’ in the manner in which they regard children, since modern research has demonstrated that in terms of moral and cognitive development children reach levels comparable with adults between 12 and 14 years of age,<sup>60</sup> it is more a question of addressing whether it is appropriate to apply laws and principles developed in the west and to make them the subject of universal application to nations and in circumstances where they do not easily sit.

In 1960 Philippe Aries published the influential text *L’Enfant et la vie familiale sous l’ancien regime* published and translated into English as *Centuries of Childhood* in 1962. In short, the central thesis is that it was not until the late seventeenth century that the concept of childhood emerged. Archard summarises the argument thus: -

‘In medieval society the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with the affection for children: it corresponds to an awareness of the

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<sup>59</sup> See A. Colas, ‘Taking Sides: Cosmopolitanism, Internationalism and ‘complex solidarity’, *International Affairs*, Vol. 87, No. 5, Sept. 2011, p. 1064 where it is argued that the chief driver of global inequality and political jurisdictional differentiation is global capitalism.

<sup>60</sup> H. Brocklehurst, op cit., p. 6. Note also in UK law as far as children between 10 and 14 are concerned s. 34 Crime and Disorder Act 1998 leaves them to be treated as equally as adults in a criminal court.

particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society, this awareness was lacking.’<sup>61</sup>

According to Aries, there is little doubt that infants, who are defined as those under the age of seven, were recognised as being fragile and vulnerable, their parents, however, were indifferent to them, and treated their death with casualness.<sup>62</sup> The tenor of Aries’ argument has been made the subject of criticism upon a number of fronts, most particularly in relation to the nature of the evidence that he employs to develop and support his case, yet the book had a major impact upon the subject of social history, and is recognised to be the first historical study of childhood.

Within the western and modern world, the fact that children are distinct from adults is an accepted truth. As Achard points out, children have different games and clothes to adults; they are apart from the adult world of work, the child inhabits a world that is sexually innocent whilst the adult inhabits one that knows, whilst the undertaking of formal education provides a distance from the adult world the child is eventually to inhabit.

One of the major criticisms of the Aries thesis is the argument that infants were treated by their parents with indifference, and whose death was treated with casualness. Other research has questioned such a conclusion. In the Roman world for example, based upon Roman depictions of children’s bodies, and a corresponding enjoyment of childish features, an interest in children as individuals is apparent as opposed to regarding children as being extensions of the family or as sources of labour.<sup>63</sup> Objection is also taken to the ‘presentism’ of the Aries work, upon the footing that history did have a concept of childhood and children; it is merely the case that history considered such concepts differently to present day society.

The relevance of definitions to the theme of this thesis is the fact that if international law is predicated upon the universalist ethic developed in the West, is it appropriate to

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<sup>61</sup> D. Archard, *Children, Rights and Childhood* (2<sup>nd</sup> Edition), Routledge, London 2004, pp. 19-20.

<sup>62</sup> Ibid, p. 20.

<sup>63</sup> S. Dixon (ed.), *Childhood, Class and Kin in the Roman World*, Routledge, London, 2001, p.10.

apply such principles to the context of non-Western culture? Within the Aries thesis a ten-year-old person was undoubtedly a child, yet it is to be noted that in many non-Western cultures entry into adulthood is marked at the time of puberty: eight to ten in the case of girls, and ten to twelve in the case of boys.<sup>64</sup> As Archard observes, it would be wrong to suggest that such cultures ‘lack a concept of childhood’, it is merely the fact that they have a different conception of childhood to our own.

This problem draws into sharp relief the difficulty of applying universal laws to particular sociological situations in circumstances where the principles upon which they are based may neither be recognised nor understood. A similar problem arises in the example of child labour and the application of *Article 32 of the United Nations Convention of the Rights of the Child*.<sup>65</sup> Leaving aside the fact that the problem can occur even within the context of developed economies, the problem is prevalent within the developing world as in the case of child soldier deployment. Many societies expect their children from a very early age to perform tasks in order to contribute to the subsistence of their social structure.<sup>66</sup> According to a literal application of *Article 32* it may invariably be the case that what is expected of a child and is regarded as being perfectly normal within a given social group, may, offend against the *Article*. Such is the problem of applying universalist principles to particular situations where such principles, at best do not easily fit, and at worst, are wholly inapposite.

There is little doubt that the deployment of children in conflict, particularly in the developing world is neither prevented nor even restricted by the issuing of legal pronouncements, even in the event that they are adopted by most of the nations of the world. The problem, and its incidence, is multi-faceted and complex. Quite apart from the utility of children to those who are engaged in conflicts, those tasked with the problem of preventing the spread of their recruitment have the added difficulty of confronting the fact that there is no universal acceptance of when childhood ends and when adulthood begins, or indeed how it may be defined.

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<sup>64</sup> D. Archard, op cit., p. 32.

<sup>65</sup> (Article 32) accords a child the right ‘to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.’

<sup>66</sup> D. Archard, op cit., p. 38.

## The Legal Protection of Children

If a legal system reflects the values of a society of which it forms part, so a system of international law will reflect the values of international society in so far as state actors define them. There is little doubt that there is broad international consensus that children require special protection as a consequence of their peculiar vulnerability. If the Law of International Armed Conflict (LOIAC) posits a fundamental principle of distinction between combatants and non-combatants (civilians)<sup>67</sup>, then children are regarded as the ultimate civilians demanding of special protection.

The distinction has a long history. In the *Book of Deuteronomy* (Chapter 3, verses eighteen and nineteen) the following appears: -

18. AND I commanded you at that time, saying, The Lord your God hath given you this land to possess it: ye shall pass over armed before your brethren the children of Israel, all that are meet for the war.

19. But your wives, and your little ones, and your cattle shall abide in your cities which I have given you.

The writings of Plato (c. 427-347 BC) discuss the conduct of war including the treatment of enemies, the rules of warfare and the question of military rewards and punishments. In particular, he draws a distinction between combatants and children, whom, he recommends, should be permitted to be spectators of war, (war that he regards as a permanent feature of human affairs), but who should not be part of the conduct or execution of war.<sup>68</sup>

In broad terms the modern legal structure of the LOIAC, beyond customary international law and specific treaty law, is contained within *The Hague Conventions of 1899 and 1907*, and *The Geneva Conventions for the Protection of War Victims*, also known as the *Red Cross Conventions of 1949*. Whilst the purpose of these

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<sup>67</sup> Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, [1996] *ICJ Rep.* 226,257.

<sup>68</sup> Plato, *The Republic*, trans. H. Lee, Penguin Classics, Harmondsworth, London, 1955, pp. 224-225.

instruments is to humanise the conduct of warfare as much as is possible commensurate with the exigencies of the need to fight, and to cement the distinction between combatant and non-combatant; they provide little protection in the context of the child soldier, who, in many cases, are deployed at the sub-conventional level.

It is not easy for irregular forces to comply cumulatively with the seven *Geneva Conventions* or even with the core four *Hague Conventions*.<sup>69</sup> The point is further demonstrated by the fact that, as we shall observe, armed criminal gangs utilise the services of the child soldier. If it is not easy for irregular forces to comply with *the Conventions*, it is all the harder for the armed criminal gang, even upon the unlikely assumption that they have an interest in compliance.

In relation to the particular, a host of provisions are included in the *Geneva Conventions of 1949*, and in the *Additional Protocol I of 1977* ('*Protocol I*') with a view to protecting women and children. Children, even at early ages, can be used in various capacities in wartime.<sup>70</sup> *Article 77(2) of Protocol I* obligates contracting parties not to recruit children under the age of fifteen, and to take what is described as '...all feasible measures to ensure that such children do not take a direct part in hostilities.' This undertaking is affirmed by *Article 38(2) of the 1989 Convention on the Rights of the Child*, adopted by the General Assembly. Although set out in an Article, the distilled view is that this provision does no more than reflect customary international law.<sup>71</sup> The matter is taken further by *Article 8(2)(b)(xxvi) of the Rome Statute* that makes the conscripting or enlisting of children under the age of fifteen into the national armed forces, or using them to participate actively in hostilities, a war crime.

In conformity with the *Optional Protocol to the Convention on the Rights of the Child*, (formulated by the General Assembly in 2000), contracting parties are obliged to ensure that children under the age of eighteen years shall not be recruited into their

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<sup>69</sup> Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge UP., Cambridge, 2004, p. 41.

<sup>70</sup> H. Mann, 'International Law and the Child Soldier', 36 ICLQ 32, 35 (1987).

<sup>71</sup> M. Happold, 'Child Soldiers in International Law: The Legal Regulation of Children's Participation in Hostilities', 47 NILR 27, 47 (2000).

armed forces.<sup>72</sup> This provision thereby raises the ‘recruitment bar’ from fifteen to eighteen.

### **The Mental and Physical Resilience of Children**

This chapter has already observed how children provide a new alternative to adult recruiting pools and how such groups and nations provide an attractive option to displaced children having no home and no ostensible means of support. What is perhaps less obvious is the extent to which it is demonstrated that children are adept and well suited to particular forms of military endeavour that provides an added impetus to their utility and recruitment potential.

Brocklehurst makes the point that maturation, whilst being a distinguishing feature of children in separating them from adults in terms of needs and expectations is distinct from physical development which continues into and beyond adulthood culminating at the age of 25.<sup>73</sup> Before the age of 5 a child is likely to absorb more toxins than for the rest of its adult life, although it has been argued that the very fact of immaturity may be a feature of its resilience. Van Bueren observes:

‘While an adult may be severely affected by a traumatic experience and as a result suffers some personality alteration, a child’s personality, in the absence of pre-existing development, may not be altered, but actually developed by a traumatic event.’<sup>74</sup>

In the context of the adult, Dr. Roger Pitman has suggested that emotional experiences of an extreme and unpleasant nature may generate activity in the endocrine system that results in the production of powerful and recurring memories in the brain, whilst other researchers have found that Post Traumatic Stress Disorder (PTSD) produces changes in the axis between the brain the pituitary and adrenal

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<sup>72</sup> Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000, 39 ILM 1286, 1287 (2000) (Article 2).

<sup>73</sup> H. Brocklehurst, op cit., p. 6.

<sup>74</sup> G. Van Bueren, ‘Opening Pandora’s Box’ in G. Van Bueren (ed.), *Childhood Abused: Protecting Children against Torture, Cruel, Inhuman and Degrading Treatment and Punishment*, Ashgate, Dartmouth, 1998, p. 60.



glands.<sup>75</sup> What of the child? It is a matter of conjecture as to whether or not the same transformation occurs in the underdeveloped brain in contra distinction to the developed.

Numerous studies have been undertaken with children who have suffered direct violence in relation to the question as to whether or not they are affected by violence,<sup>76</sup> yet there is little work on the impact upon children of simply living in a society that experiences ongoing violent conflict and a risk of violent death. Some suggest that children who are so exposed exhibit no higher levels of anxiety than those who have never experienced such circumstances. Others have suggested that living in such situations of continuous and violent conflict tends to minimise the implications of their own exposure to violence, or may not recognise the symptoms of psychological stress associated with trauma.<sup>77</sup>

What is clear is that any fighting force however constituted and in whatever context it is called upon to fight and whether at a conventional or sub-conventional level, must have regard to two questions. Firstly, how does a state or organisation get men to fight? In the west, and in countries having democratic values, without the traditional weapons of punishment and execution, how were men to be got to risk their lives in battle?<sup>78</sup> Secondly, how may fear be made the subject of management so as to maximise the numbers of troops who will carry the fight? The latter point was the subject of the seminal post- Second World War study by Marshall and the need to organise discipline, training needs and personnel in order to conform to this fundamental need.<sup>79</sup> Whilst the context of the child soldier may be different, the principle is the same.

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<sup>75</sup> B. Shephard, *A War of Nerves, Soldiers and Psychiatrists 1914-1994*, Pimlico, London, 2002, pp. 388-389.

<sup>76</sup> See E. Cairns, 'Children and Political Violence: an Overview', *International Journal of Behavioural Development*, 1994, 17(4), 669-74.

<sup>77</sup> 'Children and Violence', Report of the Commission on Children and Violence convened by the Gulbenkian Foundation and chaired by Sir William Utting, *Gulbenkian Foundation*, London, 1995, p. 200.

<sup>78</sup> B. Shephard, *op cit*, p. 230.

<sup>79</sup> S. Marshall, *Men Against Fire, The Problem of Battle Command in Future War*, Gloucester, Mass., 1947, p. 21.

Whatever view is taken of the scientific position that may or may not explain the utility of children deployed in battle, a considerable body of historical evidence exists that demonstrates the resilience of children in different forms of conflict and their seeming ability to draw upon strength in order to survive, and, more importantly, to survive more effectively than the adult. It is all the more surprising when it is noted that numerous historical examples demonstrate that resilience without the children concerned ever having undertaken any formalised training regime.

(i). Children in Nazi Europe

It has been observed that the phrase ‘Nazi Europe’ is linguistic shorthand that denotes the countries of Europe that were brought under Nazi occupation by either occupation or invasion.<sup>80</sup> Numerous countries suffered from occupation, but others suffered without being invaded. Children, whom the Nazis considered to be Jewish, irrespective of how they may have regarded themselves, were fatally at risk under Nazi rule and policy. As a conservative estimate, it is considered that a total of 9,600,000 Jews lived in Nazi Europe under their rule.<sup>81</sup>

Upon deportation to death and slave labour camps, of which Auschwitz/Birkenau is an example, it has been noted that young people who entered such networks shed their childhood with their name. They were robbed of their youth just as they were stripped of their clothes, their packages and their hair,<sup>82</sup> to the extent that they were no longer in a position to be the children of the parents they accompanied. Jack Rubinfeld was a survivor of the Rzeszow motor factory. He recalls:

‘I had to grit my teeth and bear it, and try to show that I was tough, that I was just like the adults. I could take it just as an adult. I *was* an adult.’<sup>83</sup>

Other children had different experiences, like the 16 year old Magda Somogyi and her sister who she closely resembled to the extent that it was believed they were twins:

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<sup>80</sup> D. Dwork, *Children With a Star, Jewish Youth in Nazi Europe*, Yale UP., New York, 1991, p. xvi.

<sup>81</sup> G. Reitlinger, *The Final Solution, The Attempt to Exterminate the Jews of Europe 1939-1945*, (2<sup>nd</sup> Edition), Valentine Mitchell, London 1968, Appendix I, p. 533.

<sup>82</sup> D. Dwork, *op cit.*, p. 228.

<sup>83</sup> *Ibid.*, p. 229.

they took on the care of each other and others. On an emotional level, the experience of being inducted into Auschwitz, of being forcibly separated from their families, and in their particular case, of being sent to a special 'twins barrack' for the purpose of experimentation by Dr. Mengele was 'a shock into maturity'.<sup>84</sup>

The story of the Jewish child experience in Europe throughout this period, is full of examples by which children were forced to confront the situation in which they found themselves and to make decisions appropriate for an adult as a price for their own survival, referred to by Lawrence Langer as 'choiceless choices'. Older children could not be forced to hide; should they leave their parents? Who should accompany their parents and other family members when called towards the transports? What resettlement transport would be best for the family? In slave camps, which work detail would be the most secure? In respect of these decisions, children were part of the decision process; decisions that involved life and death, and decisions moreover that few people in the course of their lives have contemplated.

The experience of Anne Frank revealed in the diary that she commenced in June 1942 is a case in point when she was forced into hiding in an Amsterdam office building in order to escape deportation. The text is revealing not only for its lucidity but also for its insight into her circumstances and her determination to survive in the teeth of extreme adversity. On the 4<sup>th</sup> April 1944 she wrote:

'I want to go on living even after my death! And therefore I am grateful to God for giving me this gift, this possibility of developing myself and of writing, of expressing all that is in me.'<sup>85</sup>

These were the words of a 15-year-old child, the daughter of German Jews who emigrated from Germany in 1933, and was part of a family who, less than a month after her 13<sup>th</sup> birthday was forced to choose between answering a Gestapo summons or to enter hiding. It was in this context that the family chose the latter and the famous diary was the product.

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<sup>84</sup> Ibid., p. 229.

<sup>85</sup> A. Frank, *The Diary of Anne Frank*, Pan Books, London, 1954, diary entry for Tuesday 4<sup>th</sup> April 1944, p. 167.

It may be said that the case of Anne Frank is an isolated example of a young person having unique qualities having little or no application to the issue of child soldiers. Whilst it is undoubtedly true that Anne Frank was unique, there are many examples to be found in this dark period of history that demonstrate remarkable abilities in adversity calculated to adapt so to ensure survival both from a mental and physical perspective. Foremost amongst them is the study of 732 concentration camp survivors by Martin Gilbert and published in 1996 under the title *The Boys, Triumph over Adversity*, and their individual stories of survival and endurance against seemingly impossible odds and circumstances.<sup>86</sup> One of the striking features of this study is how, following liberation, the group identified a need to maintain the intense companionship which had been created in the camps and which led to the setting up of 'The Primrose Club' in July 1947.<sup>87</sup>

Again it may be said that child camp survivors are not soldiers whatever horrors they had to endure; yet it can be argued that the intensity of the friendships that were the subject of the study, forged in extremis, adversity, and in war are identical to the recollections of soldiers and their opinions about comradeship. After the Great War a Lieutenant Stoneham (Royal Artillery, 1917) recalls: -

'The comradeship among men was really most extraordinary and very difficult to describe. On one occasion I was offered a safe job behind the lines if I would care to join Brigade Headquarters. It was very tempting but I didn't want to go. There was something about the relationship with the men that one didn't want to break. One would somehow have felt a traitor to them, so I refused it and stayed with them. Somehow one had a very strong sense of belonging.'<sup>88</sup>

George Coppard in his book *With a Machine Gun to Cambrai*<sup>89</sup> is instructive upon the same point in that the author joined the Army in August 1914 underage, transferring to the Machine Gun Corps in February 1916. He writes in almost childlike prose

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<sup>86</sup> M. Gilbert, *The Boys, Triumph over Adversity*, Weidenfeld & Nicholson, London, 1996, especially Chapter 8, 'Surviving as Slaves', pp. 197-212; and Chapter 9, 'On the Death Marches', pp. 213-235.

<sup>87</sup> *Ibid.*, p. 377.

<sup>88</sup> M. Arthur, *Forgotten Voices of the Great War*, Ebury Press, London, 2003, Taped Interview with Lt. E. Stoneham RA, p. 200.

<sup>89</sup> G. Coppard, *With a Machine Gun to Cambrai*, IWM, London, 1980.

about the excitement he felt in being transferred to a specialist unit and to the sense of belonging and commitment as a consequence.<sup>90</sup>

The above examples show that children in warfare are able to develop their own means of coping with stress in ways that are every bit as effective as adults.

## (ii). Children and the Blitz

So far as official records go the first of the air raids on London came in the early hours of 25<sup>th</sup> June 1940.<sup>91</sup> The objective was to destroy the will of the British nation to resist. Necessarily, aerial attack was indiscriminate by its nature and intended to kill, maim and render homeless the population that was the subject of attack including the children of the population as a central component.

Notwithstanding initial fears, including governmental fears, underpinned by the evacuation of children from London and other cities and an official document prepared by The Imperial Defence Committee that 600,000 people would die and more than a million would suffer injury,<sup>92</sup> the evidence is that raids did not affect morale, and more particularly, that children were less effected than adults. This is supported by the existence of contemporary psychological studies and evidence of observers who reported upon the reactions of children to the blitz. In 1941 Vernon reported: -

‘All observers seem to agree that raids have even less effect upon children than adults. One might have supposed that they would be more susceptible to the operation of a ‘fear instinct’ which is stimulated by loud noises. Though sometimes frightened by the sirens or explosions when they wake up, those that I and others have observed go to sleep again remarkably easily.’<sup>93</sup>

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<sup>90</sup> Ibid., p. 66

<sup>91</sup> L. Mosley, *London Under Fire 1939-1945*, Pan Books, London, 1971, p. 85

<sup>92</sup> Quoted in L. Mosley, *ibid.* pp. 14-15. See also R. Overy, *The Bombing War, Europe 1939-1945*, Allen Lane, 2013, p.27, as to City vulnerability and modern infrastructure which, it was believed, would unravel and provoke social catastrophe For a discussion upon and the failure of attacks on morale see pp. 169-185.

<sup>93</sup> Quoted in D. Laming, *Understanding Human Motivation: What makes people tick?* Blackwell Publications, London, 2004, Heading ‘Terror’ p. 31.

The point is taken further by other war time observers that for older children the sights and sounds of sirens and air raids were seen as thrilling events, and acted with what has been described as ‘...a sense of defiance’.<sup>94</sup> A good example is provided by the diary of a Colin Perry: -

‘Yes, thunder alive, there over Croydon were a pack of planes so fine and practically invisible in the haze and – by God! The Hun was bombing Croydon airport ... At last the war was here! At last I was seeing some excitement. Anti-aircraft guns threw a dark ring around the darting planes, Spitfires and Hurricanes roared into battle ... Boy, this was IT!’<sup>95</sup>

What is perhaps remarkable, particularly given the strategic intention of the raids is the fact that so few children were adversely affected. The following is probably representative of the available evidence: -

‘I can’t say that I was ever frightened as such. I’m not trying to make out I was very stoic, but it was all such an adventure in some ways. It probably seems terrible in retrospect, but there we are, this was going on, and we just carried on with life ...’<sup>96</sup>

Later studies of children exposed to political violence around the world including in Northern Ireland,<sup>97</sup> has indicated that around 10% of children may have suffered psychological consequences as a result. Even in the most extreme circumstances only 50% of children have any discernible reaction.<sup>98</sup> In 1989 a study of refugee families indicated that there were no differences between children whose parents had been tortured and those whose families were simply refugees.<sup>99</sup>

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<sup>94</sup> S. Longden, *Blitz Kids, The Children’s War against Hitler*, Constable, London, p. 88.

<sup>95</sup> Colin Perry, Junior clerk, Upper Tooting, London, diary entry for 15<sup>th</sup> August 1940, quoted in L. Smith, *Young Voices, British Children Remember the Second World War*, Viking, IWM, London, 2007, p. 106.

<sup>96</sup> Peter Smith, Schoolboy, Petts Wood, Kent, in L. Smith, *ibid.*, p. 112.

<sup>97</sup> E. Cairns & R. Wilson, ‘Coping with political violence in Northern Ireland’, *Dept. of Psychology, U. of Ulster, Coleraine, Soc. Sci. Med.* 1989, 28(6), 621-624.

<sup>98</sup> C. Liddell et al., ‘Psychological effects of War and Violence on Children’, *Notes of a conference in Washington DC* in May 1991 entitled ‘From Riots to reconciliation’, Hillsdale, NJ, 1993, p. 374.

<sup>99</sup> F. Allodi, ‘The Children of Victims of Political Persecution and Torture: A Psychological Study of a Latin American Refugee Community’, *Int. Journal of Mental Health*, Vol.18, No. 2, pp. 3-15.

Does this mean that the conclusion may be drawn that children are therefore more resilient than adults? The problem here is one of interpretation. It may be the case that the majority of children are more resilient than adults when subjected to violence of which the Blitz is an example. It may equally be the case that ‘no reaction’ is, of itself, a defence mechanism, and the ‘lack or scarcity of feelings is the most severe problem that arises in children exposed to war.’<sup>100</sup> Researchers have suggested that variations in the child’s reaction may depend upon factors such as age, gender, personality and environmental factors, including the family. From the perspective of this research it is suggested that it does not matter whether the evidence is interpreted positively or negatively, since the evidence demonstrates collectively that children have an ability to withstand violence from a mental point of view, and which makes the child soldier such a potent threat, particularly when their psychological resilience is coupled with military training and a military structure that provides a supportive familial caste.

### (iii). Enlisted Children

History tells us that there is little that is new in the deployment of child soldiers in battle. Rosen reminds us that in preindustrial societies there is no single fixed chronological age at which young people enter into the rituals of war.<sup>101</sup> What is perhaps surprising is the ferocity that many have demonstrated in the pursuit of the military contract upon which they are embarked. The Renamo guerrilla movement in Mozambique bears witness to the fact that some children were made to attack or kill members of their own family as a means of further bonding them with Renamo.<sup>102</sup> Fleming points out that the children were programmed to feel little fear or revulsion for what they had perpetrated, and thereby carry out such attacks ‘... with greater enthusiasm and brutality than adults would...’<sup>103</sup>

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<sup>100</sup> R. Punamaki, Resilient Characteristics in Traumatized Children, quoted in C. Agaibi ‘Promoting Resilience in 21st Century Disaster Victims using Evidence from Trauma Survivors’, *Ohio Psychological Association*, Aug. 2006, Vol.53, p. 7.

<sup>101</sup> D. Rosen, op cit., p. 4.

<sup>102</sup> H. Brocklehurst, op cit., p. 117.

<sup>103</sup> J. Fleming, ‘Children in bondage: Young soldiers, labourers and sex workers.’ *Sunday Independent*, Johannesburg, 13<sup>th</sup> August 1995, reproduced in *World Press Review*, January 1996, p. 9.

The question of the 'programming of children' has a well trodden historical precedent. On the 6<sup>th</sup> June 1944 at Caen, Allied troops experienced their first encounter with a generation of soldiers drawn from the Hitler Youth. It was reported that '... the troops of the 12<sup>th</sup> SS Division who were holding this sector, fought with a tenacity and ferocity seldom equalled and never excelled, during the whole campaign.'<sup>104</sup> Another tank commander recalls: '... they sprang at allied tanks like wolves, until we were forced to kill them against our will.'<sup>105</sup> It is also recorded that encounters with units having a significant Hitler Youth component were often horrifying. In the fighting for the Ruhr pocket Hitler Youth were utilised to ambush American troops often inflicting severe casualties.<sup>106</sup>

History has also revealed how members of the Hitler Youth were called upon to undertake some of the most barbaric acts of the Nazi era during the closing months of the war. During the evacuation of the Stutthof concentration camp in West Prussia on the 20-21<sup>st</sup> January 1945 some 6,500-7000 Jews were rounded up for evacuation and marched eastwards in readiness for embarkation from the port of Pillau to prevent their liberation by the Russians. They eventually made their way to the Baltic town of Palmnicken on the Samland coast. Upon it becoming clear that evacuation to the west was impossible the question arose as to what should be done to get rid of them. The Gau leadership hit upon the idea of entombing the Jews in a disused mineshaft. During the night of the 30<sup>th</sup> January the local mayor, a longstanding and fanatical member of the Nazi Party summonsed a group of armed Hitler Youth members, plied them with alcohol and set them down to the disused mine shaft to guard some 50 Jewish women and girls who had earlier tried to escape, until they were all taken out two by two to be shot.<sup>107</sup>

What is the key to an understanding of the recruitment and performance of such children? Part of the answer lies with the demands of the war effort. Under the

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<sup>104</sup> C. Wilmot, *Struggle for Europe*, Collins London, 1952, p. 377.

<sup>105</sup> H. Koch, *The Hitler Youth, Origins and Development 1922-1945*, MacDonald Janes, 1975, p. 246; see also M. Burleigh, *The Third Reich, A New History*, Pan Books, London, 2001, pp. 235-237, detailing the rejection of traditional values within society, the brutalisation of manners and the loss of parental control when children were exposed to the new ideology.

<sup>106</sup> C. Ryan, *The Last Battle*, Collins, London, 1966, p. 226.

<sup>107</sup> I. Kershaw, *The End, Hitler's Germany 1944-45*, Allen Lane, 2011, p. 185, quoting, inter alia, M. Bergau, *Tod an der Bernsteinkuste: Ein NS-Verbrechen in Ostpreussen*, in E. Frohlicke (ed.), *Als die Erde brannte: Deutsche Schicksale in den letzten Kriegstagen*, Munich 2005, pp. 99-112.



pressure of events and the requirements of the war effort, all forms of basic military training in Germany were reduced from 1943 onwards, and from January of that year anti-aircraft batteries were manned by members of the Hitler Youth from the age of 15.<sup>108</sup> Performance, of the kind that the examples indicate, is more difficult to explain. Youngsters who had lived their minority within the Third Reich were likely to have been influenced by its teachings<sup>109</sup>. In 1937 the nine years of secondary education had been reduced to eight whilst the influence of the Hitler Youth had diminished the authority of many teachers whilst the war saw an increase in the ideological content of the curriculum.<sup>110</sup> At the end of the war many believed that the hour had come to fight against the ‘Bolshevik Hordes’, and the *Appell to the last Einsatz*,<sup>111</sup> no doubt spurred young people to fight until the final surrender on the 9<sup>th</sup> May 1945, in the knowledge that their world, the only world that they knew, was about to collapse.<sup>112</sup> Others, no doubt, believed the ideology of Nazism, whilst Nazi students saw the war as an opportunity for showing their commitment and demonstrating their bravery and winning medals.<sup>113</sup> The same point may be made in relation to the recruitment of Hitler Youth to the ‘Werwolf’ partisan style guerrilla activities first mooted in 1943.<sup>114</sup>

In her recent study of women in the Nazi regime Wendy Lower comes close to pinpointing the motivation of young persons enlisted to serve within it when she speaks of a generation becoming ‘... consumed by (ideology) and with such urgency and seriousness. For those who had to turn Nazi racial ideology into practice, there were inherent contradictions to overcome and fuzzy notions clarify. To that end, jurists, scientists, doctors and bureaucrats, developed systems, laws and procedures such as the Law for the Protection of German Blood and Honour and the Reich

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<sup>108</sup> H. Koch, op cit., p.239.

<sup>109</sup> See for example G. Milton, *Wolfram, The Boy who Went to War*, Sceptre, London, 2011, especially Ch. 4, ‘Flying the Nazi Flag’, pp. 61-80, and the account of how a family opposed to the Hitler regime became immersed in its influence and teachings to the extent that opposition or autonomy of thought was obliterated.

<sup>110</sup> R. Evans, *The Third Reich at War*, Penguin Books, London, 2009, p. 594.

<sup>111</sup> H. Koch, op cit., p.249; see also W. Gehlen & D. Gregory, *Jungvolk, The Story of a Boy Defending Hitler’s Third Reich*, Casemate, Philadelphia & Newbury, 2008, esp. Ch. 18, ‘Our Last Bullet’, pp. 229-270

<sup>112</sup> See also I. Kershaw, op cit, Ch. 2, Collapse in the West, p. 66;

<sup>113</sup> R. Evans, op cit., p. 595.

<sup>114</sup> I. Kershaw, op cit., p. 279.

Citizenship Law ('the Nuremberg Laws')<sup>115</sup> for this purpose. By 1944, and upon the tide of war having turned decisively against Germany, the young who were now called upon to carry the fight, had been immersed in such thinking; many throughout the entirety of their lives. As Lower further points out: '... the racial-utopian goals and nationalist agenda sparked a revolutionary consciousness among ordinary Germans and excited a new patriotic activism.'<sup>116</sup> Difficult although it may be to comprehend when judged in a modern setting, it has to be remembered that to kill for the Nazi cause was a subject in which participants could take pride. A theme of special relevance for this thesis notes that the young are attracted to terror regimes and groupings of which the Nazi state was such an example, yet there is a further aspect to the Hitler regime that further explains the manner in which the *Jugend* set about their task of defending Germany and that is the specific teachings of a state organised along racial lines to which the young had been made subject. There was nothing especially new or 'Germanic' about the concept of eugenics.<sup>117</sup> Indeed at the time of the Boer War in the UK the problem of 'the multiplication of the unfit' and the dangers posed to the advancement of a race were prevalent even at Government level and ideas about the need to introduce measures to prevent the feeble-minded from procreating were widely circulated.<sup>118</sup> Within Hitler's Germany, however, such concepts were taken to an extreme with the SS representing the excesses of Nazi medicine and a state constructed along racial lines and ideas of racial hygiene. In particular, once certain groups such as gypsies and Jews had been identified as a distinct and degenerate species, then like animals they could be used for experiments and treated without moral scruple.<sup>119</sup>

Like all historical examples care must be taken not to draw conclusions from circumstances which are peculiar to their own times and which may have limited

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<sup>115</sup> W. Lower, *Hitler's Furies, German Women in the Nazi Killing Fields*, Chatto & Windus, London, 2013, pp. 62-63.

<sup>116</sup> Ibid., p. 74.

<sup>117</sup> The science of producing improvements in the type of offspring produced through inherited characteristics.

<sup>118</sup> See for e.g. G. Oram, *Worthless Men, Race, eugenics and the death penalty in the British Army during the First World War*, Francis Boutle, London, 1998, esp. 'The Imperial Crisis', pp. 78-79.

<sup>119</sup> B. Muller-Hill, *Todliche Wissenschaft* (Reinbeck bei Hamburg 1984). English trans. by G. Fraser as: *Murderous Science. Elimination by Scientific Selection of Jews, Gypsies and Others: Germany 1933-1945* (Oxford, 1988), quoted in P. Weindling, *Health, Race and German Politics between National Unification and Nazism 1870-1945*, Cambridge UP., Cambridge, 1989, p. 564. See also *Channel 5*, 21<sup>st</sup> November. 2013, 'Children of the Master Race' and the Lebensborn Programme founded in 1935.

value when applied generally or to other contexts. There is little doubt that the commitment of Hitler Youth in the latter stages of the war was unique in terms of the ferocity in the manner in which they fought to sustain a regime that was about to pass into history, perhaps unique in the history of children committed to battle, but what light does the phenomena of the *Jugend* throw upon the deployment of children in more modern settings?

A substantial case may be made that the example of the Hitler Youth was no more than a peculiar product of its own time. As Kershaw demonstrates, the fight to the end in Germany in 1945 owed not just to Hitler in person, but to the character of his rule and the mentalities that had upheld his charismatic domination.<sup>120</sup> It is within the latter category that the *Jugend* came to play a significant part in sustaining the commitment of young people to fight for the only world they had come to know against the fear of Bolshevik occupation. Yet this introduction has also touched upon other factors which may induce a child to become part of an armed force or grouping and whether from the perspective of his own free will, in order to provide an alternative home to one that has been destroyed by war or revolution, or through compulsion at the hands of the unscrupulous.<sup>121</sup>

Nobody would argue that a child can develop the same physical strength as a developed adult, but given the nature of modern warfare the significance of physical strength in individual troops becomes potentially less relevant as motivation and mental strength become more so. In this regard the question identified by Shephard and made the subject of reference earlier in this chapter becomes vital: 'How were men to be got to risk their lives in battle?'<sup>122</sup> It is important to emphasise that since the end of the Second World War, warfare has undergone a revolution in the manufacture of personal weapons. In addition to their ease of use and adaptability, it is estimated that there are approximately a total of five hundred million small arms in the world,<sup>123</sup> added to this figure are the ever increasing developments in the miniaturisation of weaponry and bomb making equipment, including nuclear arms potentially deployable at the sub-conventional level. Children, and the willingness to

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<sup>120</sup> I. Kershaw, op cit., p. 400.

<sup>121</sup> p. 4 ante.

<sup>122</sup> B. Shephard, op cit., Ch. 16, *New Ways of War*, p. 230.

<sup>123</sup> C. Cobb, 'Arms & Africa on UN Agenda This Week.' All Africa.com, July 9, 2001.

enlist children in warfare and the readiness to get them to risk their lives, are part of that revolution. Accordingly, the debate about the effectiveness of enlisted troops in modern conflict is likely to revolve more around issues of mental willingness, adaptability and resilience than of physical strength.

A useful example to place the above sentiments in context is the case of Northern Ireland and the impact of the troubles on children. It has been suggested that the militarization of children within the province of Northern Ireland begins with their acceptance of violence as a political tool for defined aims, and ends with the enlistment of children in what is perceived to be the armed struggle.<sup>124</sup> From an early age it is noted that Catholic children demonised the British soldier and his presence in the province; such attitudes having expression in role play and fear. Child gangs are perhaps a feature of modern life, yet they contribute to opinion forming and education in young people; perhaps of the wrong sort, with such children becoming involved in youth wings of paramilitary groups on both sides of the political divide. The mental and youthful enthusiasm of such groups is not lost on those who seek to tap their strength for their own purposes.

Awareness and communication between children has been explored in a variety of different social studies, including that of Myra Bluebond-Langner and her study of the insight of children as having terminal leukaemia in a large American hospital in the mid-west.<sup>125</sup> Whilst being a long way from the examples of child soldiers considered in this thesis, the case study is instructive in its treatment of how terminally ill children come to know that they are dying even although they have not been told and before death became imminent, and how they are able to conceal that knowledge from their parents and medical staff.<sup>126</sup> One of the points made by the study is to emphasise how children became astute observers when thrust into the strange and threatening world of hospital, complex treatments, remission and relapse and the deaths of other children, referred to as an acquired 'self-concept'.<sup>127</sup> Of particular

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<sup>124</sup> M. Fraser, *Children in Conflict*, Harmondsworth, Penguin, London, 1973, p. 140.

<sup>125</sup> M. Bluebond-Langner, *The Private Worlds of Dying Children*, Princeton UP, New York, 1978.

<sup>126</sup> *Ibid.*, p. ix.

<sup>127</sup> *Ibid.*, p. 173.

note is the manner in which the insight of the subject children manifested itself in their play, symbols and references.<sup>128</sup>

The study explains its findings by reference to what is described as ‘a socialization process’. It is suggested that what is being described is identical to the process by which children become accustomed to conflict, adept and skilled at fighting for ill-defined causes, and perceiving the world in which they have come to live in such a manner that will assist their survival.

### **The Regular Soldier and the Child – the Future?**

Historically, there is nothing new in the concept of child soldiers, whether from the point of view of deployment in non-combatant or in combatant roles. What is new, however, is the readiness by which many nations in the modern world, and many non-state actors, are prepared to recruit and deploy children for what they regard as their own strategic and political ends. The world can have no confidence in legal mechanisms to halt the spread of this phenomenon: modern international law has tried over the course of the last century, and whilst such efforts should not be decried, they have been seen to fail. This failure is a function of the fact that the engine that drives the need for children to be deployed in battle is more powerful a force than the legal mechanisms that seek to contain it.

As is also clear, the engine that drives the phenomenon is multi-faceted; consisting of the spread of cheap weaponry, the miniaturisation and effectiveness of small arms, the breakdown of government in the Third World, the demand for soldiers who will fulfil missions having little regard to political nuances, the numbers in which child soldiers can be found, and above all, their effectiveness as soldiers, are but some factors responsible for the growth of this modern problem. Singer points out that at the turn of the twenty first century, child soldiers have served in significant numbers on every continent of the globe save Antarctica.<sup>129</sup>

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<sup>128</sup> Ibid., p. 198.

<sup>129</sup> P. Singer, op cit., p. 16.

The problem is not so much a welfare issue that revolves around an imperative to assist children in the circumstances they find themselves; it is a problem that vitally affects regular forces called upon to confront such children. Numerous examples exist within the last decade of British troops being deployed against children. Foremost amongst them is Operation Barras in which members of the SAS attacked the self styled ‘West Side Boys’ in Sierra Leone, and in the more recent examples of British troops being deployed against children in Iraq and Afghanistan. How equipped mentally are such troops equipped to confront such threat? If current British Military Doctrine makes no mention of child combatants<sup>130</sup>, and no specific training is dedicated to the subject, is it not time for that stance to change? Is it reasonable to send troops into battle without adequate training for the battlefield they are called upon to confront? The purpose behind this thesis is to address these questions in order to contribute to an understanding of the battlefield of the future.

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<sup>130</sup> A. Mircica et al. op cit., p. 14.

## **LIST OF ABBREVIATIONS**

APC	Armed Personnel Carrier
AIAI	Al-Itihad al Islami
CTCRM	Commando Training Centre Royal Marines
EBO	Effects Based Operations
EBW	Effects Based Warfare
ECHR	European Commission of Human Rights
ICC	International Criminal Court
ICJ	International Court of Justice
ICLQ	International and Comparative Law Quarterly
IDF	Israeli Defence Forces
IDTLWC	International Defence Training and Land Warfare Centre
IED	Improvised Explosive Device
IISS	International Institute for Strategic Studies
IJRL	International Journal of Refugee Law
ILO	International Labour Organisation
IWM	Imperial War Museum
KCL	King's College, London
LOIAC	Law of International Armed Conflict
MOD	Ministry of Defence
NATO	North Atlantic Treaty Organisation
NCO	Non Commissioned Officer
NILR	Netherlands International Law Review
NGO	Non Governmental Organisation

PLO	Palestinian Liberation Organisation
PTSD	Post Traumatic Stress Disorder
RENAMO	Resistencia Nacional Mocambicana
ROE	Rules of Engagement
RTO	Recovery Time Objective
SC	Security Clearance
UN	United Nations
UNAMIR	United Nations Assistance Mission in Rwanda
UNICEF	United Nations Children's Fund (formerly United Nations International Children's Emergency Fund)
UNITA	Uniao Nacional Independencia Total Angola



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